

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73309 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- DHANARUA District- Patna

=====

KAMINDRA KUMAR @ KAMINDRA PRASAD @ KAMIYA SON OF
LATE RAMESHAR PRASAD RESIDENT OF VILLAGE - NONIA BIGHA,
P.S. - DHANARUA, DISTRICT - PATNA, PIN CODE - 804451, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Madhumay Madhup, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard Mr. Madhumay Mahup, learned Counsel for
the petitioner and learned APP for the State.

2. The petitioner is an accused in connection with
Dhanarua P.S. Case No. 178 of 2023 registered for the offences
under sections 302, 120B and 34 of the Indian Penal Code
lodged on 13.04.2023 by the informant, Ramanand Prasad.

3. As per the prosecution story, the informant alleged
that while he was sleeping with his wife, found two persons
entered and shot his wife twice which proved fatal. He has held
his family members which includes Sukhdev Prasad (his
brother), Vidyanand Prasad (the nephew) as also Antar Devi @
Rinki Devi, wife of Vidyanand Prasad for the killing as they
were eyeing on his land, he being childless and had adopted one



of his another nephew, Uttam Kumar.

4. Learned Counsel for the petitioner submits that he is not related to the family of the informant or the accused persons and Vidyanand Prasad who is his nephew has made confessional statement naming him which resulted into judicial custody since 15.04.2023 (as stated in paragraph 13 of the bail application).

5. He submits that save and except the confession nothing has come on record against him. He further submits that he is ready to diligently appear before the Trial Court, as and when required.

6. Learned APP for the State, on the other hand, opposes the prayer for bail stating that it is a case of killing in which the accused person has named him.

7. Taking into account the submissions put forward by the parties as also the fact that his name has come in the confessional statement, he is in custody since 15.04.2023 and will be diligently appearing in trial, this Court is inclined to extend him privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned



Additional Sessions Judge-2, Masauhri, Patna in connection with Dhanarua P.S. Case No. 178 of 2023, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the bail application is allowed.



10. Before parting, this Court would like to put on record its word of appreciation for Mr. Madhumay Madhup, learned counsel for the petitioner for proper assistance rendered in the matter.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

