

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65788 of 2022

Arising Out of PS. Case No.-308 Year-2022 Thana- BIHTA District- Patna

Vivek Kumar, S/o Jai Vilash Singh, R/O Vishnupura, P.S- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-04-2023 Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Sessions Trial No. 1199 of 2022 arising out of Bihta P.S. Case No. 308 of 2022 dated 03.04.2022 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

3. The main submissions advanced by the learned counsel for the petitioner are that merely on the basis of suspicion the petitioner has been dragged in this case and as per prosecution the deceased was lastly seen in the company of the petitioner but except this there is no any other material to connect the petitioner to the alleged crime and it has been alleged that the petitioner withdrew Rs. 30,000/- from the bank account of the deceased by using his ATM card but merely on



the said ground petitioner cannot be held liable for the death of the deceased whose dead body was recovered from a well and without postmortem examination his body was cremated by his family members. Further submission is that the petitioner surrendered on 05.04.2022 and against him there is criminal antecedent of one case.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that except suspicion and the deceased being in the company of the petitioner and co-accused in his last time, there is no any other material or direct evidence to connect the petitioner to the alleged crime, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Sessions Trial No. 1199 of 2022 arising out of Bihta P.S. Case No. 308 of 2022 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

Rajiv/-

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