

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6107 of 2024

Arising Out of PS. Case No.-69 Year-2023 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Vikash Kumar @ Raghav Kumar Son of Mukesh Kumar Alias Madho
Resident of village- Samsa Ward No.05, P.S.- Naokothi, Distt.-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioner and learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Naokothi P.S. Case No. 69 of 2023 instituted for the offence
under Sections 302, 201 & 120(B) of the Indian Penal Code.

3. On receipt of secret information regarding dead
body being buried beneath the soil, the police party reached the
place of occurrence where they saw a hand above the soil while
the other part of the body was beneath the soil and the same was
discovered to be a body of female. Thereafter, the body was sent
to the Sadar Hospital, Begusarai for postmortem.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 17-07-2023. Petitioner is
stated to be a man of clean antecedent.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has surfaced in this case during the course of investigation on the disclosures made by spy. It is submitted that there is no eye-witness to the occurrence. It is also submitted that mobile number of the petitioner has not been found connected with any of the other co-accused persons. Earlier a protest petition was filed by the informant in Mufassil P.S. Case No. 332 of 2023, wherein it has been mentioned in paragraph Nos. 4 & 5 that some innocent persons are made accused. It is lastly submitted that charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that paragraph No. 54 of the case diary corroborates the allegation levelled against the petitioner as he was continuously talking with the deceased. The witnesses in paragraph No. 68 of the case diary have supported the allegation against the petitioner regarding his complicity in the occurrence. It is lastly submitted that from perusal of paragraph No. 80 of the case diary, it would reveal that Nitish Kumar (co-



accused) has confessed about the petitioner regarding his complicity in the occurrence.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, petitioner being not named in the FIR and there being no direct involvement of the petitioner in the alleged occurrence, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, **after framing of charge, if not already framed**, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Naokothi P.S. Case No. 69 of 2023, subject to the following conditions:

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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