

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18527 of 2024

Arising Out of PS. Case No.-505 Year-2023 Thana- BAKHTIYARPUR District- Patna

SHIV ANUGRAH @ CHHOTU SON OF SRI PRAMOD KUMAR SINGH
R/O-RAWAICH, P.S.-BAKHTIYARPUR, DISTT.-PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binod Murari Mishra, Advocate
For the Informant	:	Mr.Sumit Kumar, Advocate
For the Opposite Party/s	:	Ms.Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-05-2024 Heard Mr. Binod Murari Mishra, learned counsel

for the petitioner, Mr. Sumit Kumar, learned counsel for the

informant, Ms.Renu Kumari, learned APP for the State and

perused the case diary.

2. The petitioner seeks bail in connection with

Bakhtiyarpur P.S. case No. 505 of 2023 instituted for the

offences under Sections 302, 201, 120B of the Indian Penal

Code.

3. Prosecution case, in short, is that, on 13.11.2023 the

son of the informant went along with co-accused Adarsh Kumar



but did not return home. It is further alleged that on 17.11.2023 the dead body of the informant's son was found in a well. It is further alleged that there were injuries on the head and nose of the informant's son. Informant suspects that co-accused Adarsh Kumar and Nitish Kumar along with other accused persons have committed the murder of the son of the informant due to previous enmity.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has transpired in this case only on the basis of confessional statement of the co-accused Adarsh Kumar. He further submitted that informant is not the eye-witness to the alleged occurrence and the petitioner has falsely been implicated in this case merely on the ground of suspicion. Learned counsel for the petitioner further submitted that on perusal of paragraph no.26 of the case diary, it appears that blood stained cloth has been recovered from the house of the petitioner but there is no material on record to prove that the same belongs to the deceased or not. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.11.2023 and has three criminal antecedents.



5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant further submitted that as per paragraph no.23 of the case diary, this petitioner has confessed his guilt

6. Considering the aforesaid facts and circumstances of the case and since petitioner is not named in the FIR and no any specific overt act is alleged against him as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 Bakhtiyarpur P.S. case No. 505 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.



(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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