

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17281 of 2024

Arising Out of PS. Case No.-116 Year-2023 Thana- GHORASAHAN District- East
Champaran

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KISHORI RAI @ KISHORI KUMAR S/O- SHANKAR PRASAD R/O-
VILLAGE- BADAHARWA, P.S.- JITNA, DIST.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 26-04-2024 Heard Mr. Rajesh Ranjan, learned counsel for the

petitioner and the State.

2. The petitioner is in custody in connection with
A.B.P. No. 2707 of 2023 arising out of Ghorasahan (Jitna) P.S.
Case No. 116 of 2023 for the offence punishable under Sections
302, 201 and 120(B) of the Indian Penal Code lodged on
06.03.2023 by the informant, Lal Bhadur Prasad.

3. As per the prosecution story, the informant has
alleged that his son went out to see the agriculture field but
failed to return. After some time, the villagers informed that
unknown accused person has killed him and the body is hanging
from the mango orchard. The mobile of the deceased was
present at the place of incident from which it was found that he
was regularly in conversation with the mobile nos. xxxx52952
and xxxxx28826. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that his name has come in the confessional statement of Munna Kumar in which also the relationship of the deceased with the lady Nibha Devi wife of Subodh Yadav came into existence. He submits that they have been granted bail in Cr. Misc. No. 76276 of 2023 and Cr. Misc. No. 76284 of 2023 respectively. It is his further submission that save and except the confessional statement, nothing has come against him and he do not have criminal antecedent.

5. Learned APP opposes the prayer for bail stating that his name has come in the confessional statement.

6. Taking into account the facts of the case as also that the reason for the death has been assigned due to asphyxia, the petitioner name has come in the confessional statement, some other accused persons have been granted the relief and he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M. 3rd Sikrahana at Dhaka, East Champara in connection with Ghorasahan (Jitna) P.S. Case No. 116 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/her 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 six months to mark his 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 the 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.

(Rajiv Roy, J)

Adnan/-

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