

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43914 of 2024

Arising Out of PS. Case No.-773 Year-2023 Thana- SAHPUR District- Patna

Govinda Kumar S/o Janak Ray R/o Village - Hetanpur, P.S.- Shahpur, District
- Patna, PIN-801108 Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar, Advocate
		Mr. Durgesh Nandan, Advocate
For the Informant	:	Mr. Alok Kumar Rahi, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks regular bail in connection with
Shahpur P.S. Case No. 773 of 2023 registered for the offence
punishable under Sections 363 and 365 / 34 of the IPC.

3. As per the allegation in the FIR, the informant's
son Abhishek Kumar had love affairs with one Nisha Kumari
due to which her maternal uncles threatened to kill his son. It is
further alleged that on 14.12.2023 Nisha Kumari called the
informant's son via Phone and since then the informant's son did
not return to his house.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. He further submits that the petitioner is not named
in the FIR and his name surfaced from the call detail as stated



in paragraph 52 of the case diary. He next submits that the petitioner is in custody since 29.02.2024.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. On perusal of the FIR, case diary and impugned order dated 04.05.2024, it appears that FIR was lodged against 9 accused persons and the petitioner is not named in the FIR. The name of the petitioner surfaced from the call detail as stated in para 52 of the case diary. There is no other material against the petitioner. The only material against the petitioner is confessional statement. According to the confessional statement of the present petitioner, Nisha Kumari is the victim but in her statement recorded under Section 164 of the Cr.P.C. she has stated that her maternal uncle Sudhir Kumar killed the informant's son Abhishek Kumar by strangulation and two others Sudhir and Chandan, the maternal uncles of Nisha caught her but no any statement is made against the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Danapur in connection with



Shahpur P.S. Case No. 773 of 2023.

(Ramesh Chand Malviya, J)

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