

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48644 of 2024

Arising Out of PS. Case No.-838 Year-2022 Thana- SONEPUR District- Saran

Nitesh Kumar, age 21 (M), Son of Upendra Ray @ Uttam Ray, R/O village - Jahangirpur, P.S.- Sonepur, District - Saran, Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate
For the Opposite Party : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 29-08-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sonepur P.S. Case No. 838 of 2022 dated 02.11.2022 registered for the offences punishable under Sections 302 and 201/34 of the I.P.C. Later on, Section 412 of the I.P.C. was also added.

3. As per the prosecution case, on 31.10.2022 at about 6.00 P.M., the co-accused Gulu Kumar, Gaurav Kumar alongwith some unknown persons called and took away the informant's son, namely, Prince Kumar, but he did not return late night. It is further alleged that in course of inquiry and search, on 01.11.2022 at about 7.00 A.M., it has come to the knowledge of the informant that between Jahangirpur Railway



Dhala No. 2 and Jahangirpur Railway Dhala No. 3, there was a dead body lying near the railway track. The informant and others went there and found the dead body was of the informant's son Prince Kumar having several injuries on his neck and head. It is further alleged that the motorcycle of the informant's son, namely, Prince Kumar, was found in the *orchard* in front of the house of the co-accused Golu Kumar with blood stained. Thereafter, the police came and the dead body of the informant's son was sent for postmortem to Chapra. The informant has claimed that the aforesaid F.I.R. named accused persons in collusion with some unknown persons had killed his son and threw his dead body on the railway track for concealing the evidence.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the occurrence took place on 31.10.2022 and the F.I.R. has been lodged on 02.11.2022. The petitioner is not named in the F.I.R. His name has surfaced in the present case during investigation that the mobile number of the petitioner was used by some one else on the basis of tower location. There is no eye witness to the alleged offence. The petitioner has clean antecedent as stated in paragraph no. 3 of



the bail petition. He is in custody in this case since 28.03.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 8th, Saran at Chapra in connection with Sonapur P.S. Case No. 838 of 2022 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

