

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65640 of 2024

Arising Out of PS. Case No.-371 Year-2024 Thana- ARARIA District- Araria

Pradeep Kumar Mishra @ Tullu Mishra S/o Late Panchanand Mishra
Resident of village- Kharhiya Basti, ward no 10, P.S and district- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Mukesh Kumar Rana, Adv.
For the State	:	Mr.Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Akash Raj, Adv. Miss. Nikita Mittal, Adv.

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

ORAL ORDER

4 05-12-2024 Heard Mr. Krishna Prasad Singh, learned senior
counsel assisted by Mr. Mukesh Kumar Rana, learned counsel
for the petitioner and learned APP for the State as also learned
counsel for the Informant. Perused the case diary.

2. The petitioner seeks bail in connection with Araria
P.S. Case No. 371 of 2024 instituted for the offences under
Sections 103(i), 3(5) of the B.N.S.-2023.

3. As per prosecution case, the accusation against the
petitioner is of committing murder of the Informant's brother
Rajiv Kumar Jha in connivance with other co-accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. He submits that the case has been lodged by the Informant after two days of the occurrence which creates doubt in the prosecution case. The petitioner is not named in the F.I.R. There is no eye-witness to the alleged occurrence. Even the Informant is not the eye-witness to the occurrence. He further submits that as a matter of fact, the petitioner himself informed the police about the occurrence whereafter the police came at the place of occurrence and arrested the petitioner. In the postmortem report, the doctor has not found any external injury on the person of the deceased and no definite opinion was given about the cause of death and viscera was preserved for chemical examination. He further submits that except suspicion, there is nothing against the petitioner. The petitioner was also not seen in the cctv footage. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 19.07.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of



bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The Informant in his re-statement, contained in Para-6 of the case diary, has corroborated the allegation made in the F.I.R. From perusal of the case diary, it appears that several witnesses have stated that the deceased was called and taken away by Roshan Kumar Thakur, Sunil Kumar Jha and the petitioner in the name of party. Para 37 of the case diary also shows the presence of the petitioner in the place of occurrence on the date of occurrence where the deceased died.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Araria P.S. Case No. 371 of 2024.

(Rudra Prakash Mishra, J)

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