

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67694 of 2024

Arising Out of PS. Case No.-150 Year-2024 Thana- AMNAUR District- Saran

Rishav Kapoor @ Rishabh Kapoor @ Rishabh Kumar Son of Shashi Kapoor
@ Appu @ Shashi Kapur Singh R/O Vill.- Parshurampur, P.S.- Amnour, Dist.-
Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manindra Kishore Singh

For the Opposite Party/s : Mr. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-11-2024 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. This application, for grant of regular bail, arises out of Amnour Police Station Case No. 150 of 2024, disclosing offences under Sections 363, 365, 302, 120(B), 201 of the Indian Penal Code.

3. As per the prosecution case, on 16.05.2024, in the night, at about 9:30 pm, informant's son Alok Kumar and his friend Rishav Kapoor i.e., petitioner, came at the shop of the informant, took a bottle of cold drink, went on a motorcycle but till late night, the informant's son did not return. During search, the informant went to the house of the petitioner and asked about his son's whereabouts, the petitioner told that he had



dropped the deceased on way and he does not know anything about his whereabouts. During investigation, the dead body of informant's son was found buried in an orchard.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged. There was some dispute regarding misbehavior with the girl friend of the co-accused/Chintu Kumar by the deceased for which a party was organized by the co-accused persons at the behest of Chintu Kumar and the petitioner was told to bring the deceased along with him. Petitioner was not aware about the planning of the co-accused and when the petitioner came along with the deceased in the orchard, one co-accused Abhay Tiwari and Mahi Singh strangled the informant's son (deceased) with the help of towel due to which he died. The entire story has been disclosed by the petitioner in his confessional statement which has been annexed as part of the FIR. Learned counsel next submits that the main conspirator in this case is Chintu Kumar with whose girl friend, the deceased Alok Kumar had misbehaved and Chintu Kumar as a revenge had organized the party and he along with other accused persons killed the informant's son.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits



that the petitioner was also one of the conspirator and he, under a conspiracy, brought the informant's son at the place of occurrence where deceased was killed by the co-accused persons as per the confessional statement of the petitioner. The petitioner also played an active role in disposing the dead body by burying the same in the orchard itself.

6. Regards being had to the submissions made by the parties and taking into consideration the fact that the petitioner is in custody since 21.05.2024 having no criminal antecedent, the police after investigation has submitted charge sheet and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Additional Chief Judicial Magistrate, VIII, Saran at Chapra, in connection to the Amnour Police Station Case No. 150 of 2024, disclosing offences under Sections 363, 365, 302, 120(B), 201 of the Indian Penal Code.

8. This is subject to the condition that the petitioner shall present himself before the Court, as and when required and



in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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