

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80869 of 2024

Arising Out of PS. Case No.-312 Year-2024 Thana- RAHUI District- Nalanda

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Mithilesh Bind @ Mithla Bind @ Mithlesh Kumar Chauhan, S/O Ramroop Bind, R/O vill.- Mai, P.S- Rahui, Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Rahui P.S. Case No. 312 of 2024, registered for the offences punishable under Sections 302, 201, 120B and 34 of the Indian Penal Code.

3. The marriage of the daughter of the informant was solemnized with co-accused Satish Kumar sometime ten years ago. From the wedlock the couple also blessed with two children, however, the accused persons were indulged in torturing the daughter of the informant on account of various reasons and finally she was done to death by the FIR named accused persons.



4. Learned Advocate appearing on behalf of the petitioner contended that the petitioner is not named in the FIR, however during the course of investigation the statement of the husband of the deceased was recorded and the name of the petitioner has transpired in his statement as one of the villagers who helped him in disposal of the dead body. It is further contended that though the confessional statement of the co-accused is not admissible in the law, however, even if it is taken to be true for the sake of argument, it can only constitute an offence under Section 201 of the Indian Penal Code, and thus bailable in nature. It is next contended that the petitioner is the *gotiya* of husband of the deceased and only on account of suspicion, his name had been implicated, that too making a concocted confessional statement of co-accused. The petitioner bears fair antecedent and he has no concern with the alleged occurrence.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the petitioner has actively participated in the crime in disposing the dead body without informing the police.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner



is neither named in the FIR, nor there is any other material suggesting the complicity of the petitioner in the crime except in the disposal of the dead body which constitute an offence under Section 201 of the Indian Penal Code, coupled with the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Nalanda at Biharsharif in connection with Rahui P.S. Case No. 312 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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