

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84773 of 2023

Arising Out of PS. Case No.-496 Year-2023 Thana- BIHAR District- Nalanda

Sumant Kumar @Sumant Kumar Verma, Male, Aged about 20 years, S/O Vinod Kumar, Resident of Mohalla-Shaluganj, Bhaktini Gali, P.O.- Biharsharif, P.S.- Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr.Anil Kumar Singh No. 1, APP
For the Informant	:	Mr. Udbhav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 23-04-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with Bihar P.S. Case No. 496 of 2023 instituted for the offences punishable under Section 365 of the Indian Penal Code and subsequently after recovery of dead body Section 302 of I.P.C. was added by the Investigating Officer.

3. As per the prosecution case, son of the informant namely, Akarsh Kumar had gone to appear for the examination at Patna with his friend Sumant Kumar (petitioner). Akarsh Kumar informed to the informant by his mobile that he has reached at Patna and at any time his mobile may be discharged



then he may contact on mobile number of his friend. Till evening when his son did not return then he wanted to contact on mobile of his friend but evasive answer was given. Then the informant suspected any bad incident with his son he had shown is suspicion against friend of his son Sumant Kumar (petitioner). Accordingly F.I.R. was registered against unknown.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on suspicion. Petitioner is not named in the F.I.R. There is no direct and indirect evidence against the petitioner to show his complicity in the alleged crime. Petitioner has got not criminal antecedent and he is languishing in judicial custody since 12.06.2023.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for bail.

6. From perusal of the F.I.R., impugned order dated 17.10.2023, case diary and postmortem report, it appears that on the basis of written report of informant Anjay Kumar F.I.R. registered u/s 365 of I.P.C. against unknown. During investigation, the Investigating Officer found that lastly petitioner was seen with the deceased but in case diary several witnesses have stated that deceased had jumped in river Ganga



for suicide. In postmortem report which is annexed as Annexure-2 (at page 16/n) of this petition, cause of death is not clear. No illegible injury or ligature could be detected on neck or any part of body of the deceased. After investigation, police has submitted chargesheet against the petitioner only under Section 365 of I.P.C. not u/s 302 of the I.P.C. But as submitted by learned counsel for the parties, supplementary investigation is pending till now.

7. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner 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 the learned C.J.M. or its successor Court of Bihar Sharif, Nalanda in connection with Bihar P.S. Case No.496 of 2023.

(Ramesh Chand Malviya, J)

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