

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13502 of 2025

Arising Out of PS. Case No.-443 Year-2023 Thana- TAJPUR District- Samastipur

Devkant Kumar S/O Sri Shiv Nath Roy Resident of Village- Kumaia, Ward
No. 2, P.S- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha, Adv.

For the Opposite Party/s : Mr.Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Tajpur (Halai O.P.) P.S. Case No. 443 of 2023 registered on 05.08.2023 for the alleged offences under Sections 302, 120B, 201 and 34 of the Indian Penal Code.

03. As per prosecution case, dead body of an unidentified male was recovered from the ditch as reported by the Chowkidar and subsequently, the name of the petitioner transpired in this case for being involved in the murder of the said person along with other co-accused persons.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner has no concern with the whole occurrence and he has



been named in this case on the basis of confessional statement of co-accused Lalbabu Ray but he has not taken the name of the petitioner and merely on suspicion the petitioner has been falsely implicated in this case. There is no eye witness to the alleged occurrence and there is no specific allegation against the petitioner for any wrong doing. Nothing incriminating has been recovered from the person or possession of the petitioner. There is no substantive material against the petitioner to connect him with the offences as alleged. Co-accused Sakindar Ray @ Sakindar Kumar has been granted anticipatory bail by this Court vide order dated 18.04.2024 passed in Cr. Misc. No. 9585 of 2024. The petitioner is not having any criminal antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that the petitioner has been found involved on the basis of circumstantial evidence.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the remote and vague nature of allegation and further considering the absence of substantive material to connect the petitioner with the offences as alleged and also considering the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of



eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned A.C.J.M.-I, Samatipur in connection with Tajpur (Halai O.P.) P.S. Case No. 443 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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