

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17938 of 2025

Arising Out of PS. Case No.-148 Year-2022 Thana- DARPA District- East Champaran

Vishwajit Kumar Son of Kanhaiya Prasad Resident of Vill- Pipra, P.S.- Darpa,
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Darpa P.S. Case No. 148 of 2022 registered for the alleged offences under Sections 302/201/34 of the Indian Penal Code.

03. As per prosecution case, son of the informant went missing and later on his mobile phone was recovered. After 4-5 days, the petitioner and co-accused approached the wife of the informant and demanded the mobile phone saying that they had given the mobile phone to the son of the informant. Thereafter, the dead body of the son of the informant was recovered from canal of the village and the informant showed his suspicion that petitioner and co-accused killed his son.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Except for suspicion, there is no direct evidence against the petitioner. There is no eye witness to the alleged occurrence and no one has seen the petitioner with the deceased. Even call details report of the mobile phone of the deceased does not show that the petitioner was in contact with the deceased prior to his death. The petitioner has got clean antecedent. The petitioner is in custody since 20.01.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of substantive material against the petitioner and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to 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 learned Judicial Magistrate- 1st Class, Raxaul at Motihari/court concerned in connection with Darpa P.S. Case No. 148 of 2022,



subject to the conditions mentioned in Section 480(3) of BNSS
and the 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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