

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88583 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- PAKRIDAYAL District- East Champaran

Sandeep Kumar Son of Ram Pravesh Kumar Resident of village- Madhopur,
P.S.- Madhuban District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Adv.
For the Opposite Party/s : Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-01-2025 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 Pakridayal P.S. Case No.105 of 2024 registered for the alleged offences under Section 302, 120(B), 34 of the Indian Penal Code.

03. As per prosecution case, the informant named co-accused persons who took away the son of the informant in a Scorpio vehicle and later on, his dead body was recovered, which was concealed under dry leaves. The name of the petitioner transpired during investigation for also being involved in the occurrence 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

and no matter has come up against the petitioner showing his involvement except for the statement of co-accused Umesh Prasad. The informant is having enmity with the father of the petitioner and for this reason petitioner has been involved in the present case. There is no material to show that petitioner participated in taking away the son of the informant and committing his murder and in absence of such material, no presumption can be formed against the petitioner. Learned counsel further submits that petitioner is a student and works as a part time compounder with co-accused Shambhu Prasad and for this reason he has been made accused in this case though his tower location was at different place than the other co-accused persons. Learned counsel further submits that though the informant has alleged that co-accused person was having illicit relationship with the wife of the son of the informant and for this reason the son of the informant was murdered under a conspiracy, there is no motive for the petitioner for getting involved in the case. Learned counsel further submits that the FIR shows the son of the informant went with the co-accused on 26.04.2024 and if he did not return till 30.04.2024, no report has been lodged for his missing and this conduct of the informant is not believable. Learned counsel further submits that the co-accused has been granted bail by this Court vide order dated 03.10.2024 passed in Cr. Misc. No. 71195 of 2024. The petitioner

has got no 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 name of the petitioner transpired during investigation as he was named by the co-accused in his confessional statement.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation and further considering the absence of any substantive material against the petitioner, 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.-8, East Champaran, Motihari in connection with Pakridayal P.S. Case No.105 of 2024, 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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