

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88082 of 2024

Arising Out of PS. Case No.-216 Year-2024 Thana- BACHHWARA District- Begusarai

Nirp Nandan Kumar @ Vupesh Kumar, S/O Mritunjay Choudhary, R/O
Village- Ward No. 1, P.S. Bachhwara, Dist. Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. R.S. Sahay, Advocate
		Mr. Raj Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Nilendu Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 13-05-2025 Heard Mr. R.S. Sahay, learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State. The informant is represented through Mr. Nilendu Choudhary, learned Advocate.

2. The petitioner apprehends his arrest in connection with Bachhwara P.S. Case No. 216 of 2024, registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code.

3. Allegedly on 13.06.2024 the informant's son, namely Satyam Kumar @ Bada Babu was called upon by the petitioner alongwith other friends in a liquor party and later on, by making conspiracy with each other, he was hanged in his *bathan* after killing him.



4. Learned Advocate appearing on behalf of the petitioner submitted that from the narrations made in the FIR it is evident that the informant is not eye witness to the alleged occurrence and, in fact, the entire case is based on suspicion on account of a long standing dispute between Ayush Kumar @ Bhopal alongwith his father and the informant, regarding partition of the property; and, as such, there is no motive that the petitioner would have any how instrumental in causing the death of the deceased. Further allegation has been levelled that only on account of the fact that the petitioner had allegedly thrown the liquor party and, as such, the name of the petitioner has been implicated. Moreover, during the course of investigation none of the independent witness have come forward to suggest the implication of the petitioner in the case in hand. Further contention has been made that the entire prosecution case also falls to the ground for the simple reason that the cause of death is said to be asphyxia as a result of hanging. Had the deceased was subjected to any assault before hanging him, there would have been certainly mark of violence, which is absent in the present case. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.



5. On the other hand, learned Advocate for the State and the learned Advocate for the informant opposed the pre-arrest bail application and submits that apart from the brother of the deceased, independent witness have also stated that the petitioner was found nearby the *bathan* of the deceased, where he was found hanged. When the brother of the deceased came there, the petitioner alongwith two other named accused person fled away, this also suggest the culpable intent of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based on suspicion, moreover, the post mortem report does not corroborate the allegation, coupled with the fair antecedent of the petitioner and his undertaking, 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Bachhwara P.S. Case No. 216 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha



Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

supratim/-

U		T	
---	--	---	--

