

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30454 of 2015

Arising Out of PS.Case No. -40 Year- 2015 Thana -BUXAR MUFFSIL District- BUXAR

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1. Ashutosh Upadhyay @ Jata Baba @ Jhota Baba Son of Late Shaligram Upadhyay, R/o Village - Gosaipur, P.S. - Buxar (M), District - Buxar. At present village - Kailashpuri, Naya Bazar, P.S. - Buxar (M), District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shree Kant Pandey

For the Opposite Party/s : Mr. T.N. Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 29-10-2015 Heard learned counsel for the petitioner, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

Petitioner is not named in the first information report but in course of investigation, FIR named accused, Balram Choudhary was arrested and confessed his guilt disclosing this fact that he along with co-accused, Ajay Kumar committed the murder of the deceased and handed over the firearm which had been used in commission of the crime to petitioner who later on, kept the aforesaid firearm in an orchard. The petitioner was arrested thereafter and made his confessional statement leading to recovery of above stated firearm.

The contention on behalf of the petitioner is that even if the aforesaid materials assumed to be true, then also, it were co-accused, Balram Choudhary and Ajay Kumar who committed the murder of the deceased and co-accused, Ajay Kumar has already been granted privilege of bail by this Court.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the 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 Chief Judicial Magistrate, Buxar in connection with Buxar (M) P.S. Case No. 40 of 2015.

(Hemant Kumar Srivastava, J)

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