

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42846 of 2015

Arising Out of PS.Case No. -3 Year- 2014 Thana -MITHANPURA District- MUZAFFARPUR

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Indrajeet Kumar @ Nishi Kant Chaudhary Son of Late Bhola Chaudhary,
Village + Mohalla - Kanhauri Bela Road, Near Masjid Chowk, P.S. -
Mithanpur, District -Muzaffarpur. Petitioner

Versus

1. The State of Bihar Opposite Party

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 18-12-2015

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner prays for anticipatory bail in a case registered under Sections 302 and 201 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that the first information report itself has been lodged on 02.01.2014 after a delay of nearly 2 ½ months since the incident is stated to be of 16.10.2013. It is further submitted that the petitioner has been falsely implicated after the recovery of the dead body of the deceased and a story has been built up, which is hardly believable considering the fact that it is stated that after the son of the informant had gone missing, a phone call had been received from a Mobile Number asking for deposit of Rs.65,000/- for the treatment of the son of the informant in the account of one Madhavi Devi, State Bank of India. Account Number was mentioned and the person gave his name as Nishi Kant

Choudhary, the present petitioner. It is further submitted that if that had been the case and the petitioner had contacted the informant in such suspicious circumstances and situation, it is unbelievable that the informant would not have informed the police at that very stage about the matter and steps taken but it was done after the recovery of the dead body, which goes to show the entire case of the petitioner that the same has been cooked up by the informant and has no basis.

Learned A.P.P. is unable to point out any paragraph in the case diary from which it can be said that the aforesaid aspect of the matter has been investigated except to say that the witnesses have supported the stand taken in the first information report.

On a consideration of the facts and circumstances of the case, it is directed that the petitioner, Indrajeet Kumar alias Nishi Kant Chaudhary, in the event of his arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each in connection with Mithanpura P.S. Case No. 03 of 2014 corresponding to G.R. No.23/2014 to the satisfaction of S.D.J.M., (East), Muzaffarpur, subject to the other conditions as laid down under Section 438 (2) of the Cr.P.C.

V.P.Sinha/-

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(Ramesh Kumar Datta, J)