

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45357 of 2016

Arising Out of PS.Case No. -113 Year- 2016 Thana -MURLIGANJ District- MADHEPURA

Brajesh Kumar, son of Ashok Bharti, resident of village Kaushalpur, Police Station Madhepura (Bharrahi O.P.), District Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 19-10-2016

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioner, namely, Brajesh Kumar, in connection with Murliganj Police Station Case No. 113 of 2016, under Sections 302/120B/34 of the Indian Penal Code.

Perused the above application and materials on record.

Heard Mr. Mritunjay Kumar, learned Counsel for the petitioner, and Mr. Ajeet Kumar, learned Additional Public Prosecutor, appearing on behalf of the State.

Mr. Mritunjay Kumar, learned Counsel, for the petitioner, has submitted that though the alleged occurrence had taken place on 07.12.2015, the First Information Report came to be registered, after a delay of about four months,

i.e., on 12.04.2016. Mr. Kumar, learned Counsel, has also submitted that similarly circumstanced co-accused has been granted bail by this Court by order, dated 26.08.2016, passed in Criminal Misc. No. 33267 of 2016.

In view of the above submission and the fact that the accused above-named has been in custody since 04.07.2016 in connection with the case aforementioned and though *charge sheet* has been submitted and perusal of the materials available on record does not reveal such incriminating materials, which would warrant further detention of the accused-petitioner in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioner's liberty on bail would adversely affect his trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- with two sureties, each of the like amount, subject to the satisfaction of the learned Chief Judicial Magistrate, Madhepura, in connection with Murliganj Police Station Case No. 113 of 2016.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to

any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application shall stand disposed of.

(I.A. Ansari, CJ.)

Prabhakar Anand/-

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