

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49702 of 2018

Arising Out of PS.Case No. -574 Year- 2017 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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Himanshu Kumar @ Nitin Bharti son of Sanjiv Prakash resident of Village
Bishunpur Chandni Chowk, M.N. Ray Gali, Ward No. 39, P.S. Nagar,
District Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

02 20-09-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in Begusarai Muffasil P.S.
Case No. 574 of 2017 registered under Sections 364, 302, 120(B)/34
of the Indian Penal Code.

As per the prosecution case, F.I.R. named accused
person kidnapped the grandson of the informant and subsequently
committed his murder. The informant happens to be eye witness of the
occurrence.

It is submitted by learned counsel for the petitioner that
petitioner has no concern with the aforesaid occurrence. The petitioner
has been falsely implicated in this case at the instance of his enemy.



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Petitioner is not named in the F.I.R. None of the witnesses has seen the petitioner in the occurrence. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of Bikram Chaudhary and that of the petitioner recorded by the police which has no evidentiary value in the eye of law. No incriminating article has been recovered from the conscious physical possession of the petitioner. The petitioner has been languishing in custody since 15.03.2018. Similarly situated co-accused, namely, Raju Jha has been enlarged on bail by a co-ordinate bench of this court in Cr. Misc. No. 35515 of 2018 vide order dated 27.06.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Muffasil P.S. Case No. 574 of 2017.

(Prakash Chandra Jaiswal, J)

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