

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2992 of 2018

Arising Out of PS. Case No.-36 Year-2012 Thana- KATRA District- Muzaffarpur

Akhilesh Kumar @ Babul, Son of Mukesh Kumar, Resident of Village-Dhanaur, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. MANISH KUMAR- 2

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 15-03-2018 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Katra P.S. Case No. 36 of 2012 registered for the offence punishable under Sections 302, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding killing of the brother of the informant by some criminals by gun shot firing.

The allegation in the FIR is against three accused persons, however, the petitioner is not an FIR named accused person.

The learned counsel for the petitioner submits that neither the petitioner is an FIR named accused person nor any material regarding direct involvement of the petitioner in killing the deceased has come to light. It is further submitted that the petitioner has only been implicated in the present case on the basis of suspected mobile phone having found to have been registered in the name of the petitioner, however, the name said



to have been recorded in the records of the mobile company is only Akhilesh, resident of village, Damodarpur whereas the petitioner is Akhilesh Kumar, resident of village-Ahiyapur. It is further submitted that barring the said material, no other material is on record and in fact he also does not have any alias name of Babul. The petitioner is said to be having a clean antecedent.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Katra P.S. Case No. 36 of 2012 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

S.Sb/-

(Mohit Kumar Shah, J)

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