

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26025 of 2018

Arising Out of PS.Case No. -46 Year- 2017 Thana -MARANCHI District- PATNA

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1. Amod Kumar @ Gongu, Son of Late Ramashray Singh, a resident of Village- Maranchi Tajpur Tola, Police Station- Maranchi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 18-05-2018 Heard both sides.

The petitioner apprehends his arrest in Maranchi P.S. Case No.46/2017 registered under Sections 302 and 201 of the Indian Penal Code.

The F.I.R. was drawn on the basis of fardbeyan of the chowkidar, after recovery of the dead body of an unknown person.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. During course of investigation, for the first time the name of the petitioner surfaced in this case, on the basis of the statement of a police spy. Even the mother of the deceased instituted a case of Maranchi P.S. Case No.47 of 2017 against Mukesh Singh, Murari, Ram Kumar and Dani Kumar but the petitioner has not been named in the F.I.R.



lodged by the mother of the deceased. The father of the deceased also made statement but he is not an eyewitness to the occurrence. Save and except, confessional statement of co-accused Subodh Kumar, there is no other material to show the involvement of the petitioner in the alleged crime. The Call Detail Report obtained by the I.O. shows that co-accused Subodh Kumar had talked with the deceased. Similarly situated two other accused persons namely Chunchun Kumar and Tuntun Kumar have already been granted anticipatory bail vide order dated 22.02.2018 passed in Cr. Misc. No. 2619 of 2018. The case of the petitioner stands on the same footing.

Learned Additional Public Prosecutor opposed the prayer for anticipatory bail.

Perused the F.I.R. and the case diary. It appears that the petitioner is not named in the F.I.R. The mother of the deceased also lodged Maranchi P.S. Case No.47 of 2017 against Mukesh Singh, Murari, Ram Kumar and Dani Kumar. For the first time, the name of the petitioner figured in this case from the mouth of a policy spy. Later on, on the basis of the Call Detail Report, co-accused Subodh Kumar was arrested and he is said to have disclosed the name of the petitioner. Save and except the confessional statement of Subodh Kumar, there is no other



material collected during the course of investigation.

Taking into consideration the aforesaid fact, the petitioner above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order 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 learned A.C.J.M.-IV, Barh, in connection with Maranchi P.S. Case No.46 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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