

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11069 of 2019

Arising Out of PS. Case No.-1625 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. AJIT PATHAK @ AJIT KUMAR
 2. Ajay Pathak @ Ajay Kumar
Both son of Late Dinesh Chandra Pathak, Resident of Moti Mishra Lane,
Bhikhanpur, P.S.- Ishakchak, District - Bhagalpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ahilya Devi Wife of Late Krishna Dev Narayan Mishra Resident of
Bhikhanpur, Motilal Mishra Lane, Bhikhanpur, P.S.- Ishakchak, District -
Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-04-2019 Learned counsel for the petitioners seeks permission to withdraw this application with respect to No.1 (Ajit Pathak @ Ajit Kumar) in order to move before the learned court below for grant of regular bail, as such this application so far petitioner no.1 is concerned stand dismissed as withdrawn.

So far petitioner no.2 is concerned, he apprehends his arrest in connection with Complaint Case No.1625 of 2016 (arising out of Ishakchak P.S.Case no.42 of 2009) , registered for offences punishable under Sections 302/34 of the Indian Penal Code.



Allegation as per FIR is that there is allegation that they came along with the others and some of the accused persons fired on the deceased causing death of the deceased, however, it further appears from perusal of the record that after investigation the case was not found true against the petitioner no.2 and petitioner no.1 and thereafter on protest the cognizance has been taken.

Submission of the learned counsel for the petitioner is that even from the materials available on the record and during the inquiry, it has only come that the petitioner no.2 was having a Torch in his hand and there is no allegation of assault.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner no.2 Ajay Pathak @ Ajay Kumar in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sri Parwal Datta, ACJM VIIth, Bhagalpur in connection with Complaint Case No.1625 of 2016 (arising out of Ishakchak P.S.case No.42 of 2009), subject to condition as laid down under Section 438



(2) of the Code of Criminal Procedure.

With the aforesaid direction, this application is
disposed of.

(Vinod Kumar Sinha, J)

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