

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17731 of 2019

Arising Out of PS. Case No.-1155 Year-2015 Thana- AHIYAPUR District- Muzaffarpur

JYOTSENDU GARG @ JAI SINDHU GARG @ JAISINDHU, Son of
Harish Chandra Thakur Resident of Village- Basua, P.S.- Aurai, 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.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Ahitapur Police Station Case No. 1155 of 2015,
disclosing offences under Sections 302/120B of the Indian Penal
Code.

The allegation against the petitioner, on the basis of
the First Information Report, is that on 28.12.2015, the husband
of the informant, who was a grain trader, received a call from
his cousin and then he left his house. After ten minutes, the
informant was informed that some unknown criminals shot her
husband, namely, Santosh Kumar, at the shop of Prabhas
Choudhary.

Learned Counsel for the petitioner submits that the



petitioner is innocent and he comes from a respectable business family. His name transpires on the basis of alleged confessional statement made before the police by one person, who was arrested, namely, Bittu @ Banty. He further submits that the co-accused, in his confessional statement has taken one name as Jai Sindhu Garg; whereas the petitioner's name is Jyotsendhu Garg. He submits that the petitioner had represented before the I.G., Tirhut, an upon his instruction, an enquiry was held by the S.I., Ahiyapur Police Station, who submitted his report to the Deputy Superintendent of Police (Town), Muzaffarpur, in which he has mentioned that the Investigating Officer has enquired from the arrested person about the identity of Jai Sindhu Garg, but he said that he did not know Jai Sindhu Garg and had never met him. The Investigating Officer has further mentioned in his report that CDR of accused person was verified with the CDR of the petitioner and it was found that the petitioner, at no point of time, had tried to contact the accused person.

Learned Additional Public Prosecutor submits that the name of the petitioner has been disclosed by the co-accused, who was arrested and his complicity in the offence cannot be ruled out. He further submits that in the confessional statement, the name of Jai Sindhu Garg has been disclosed by the co-



accused.

After having heard learned Counsel for the parties and taking into consideration the fact that the police, on the basis of the enquiry held at the instance of I.G., Tirhut, submitted a report and from perusal of the same, it appears that the co-accused did not identify the petitioner and further that there is no proof of contact having been made on mobile by the petitioner with the co-accused, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Jyotsendu Garg @ Jai Sindhu Garg @ Jaisindhu, in the event of his arrest or surrender before the Court below within four weeks, be released 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 Chief Judicial Magistrate, Muzaffarpur, in connection with Ahiyapur Police Station Case No. 1155 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to



appear before the Court on two consecutive occasions, his bail
bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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