

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79673 of 2018

Arising Out of PS. Case No.-167 Year-2017 Thana- MOKAMAH District- Patna

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Ajit Kumar Malik Son of Manoj Malik Resident of Village - Maranchi, P.S.-
Maranchi, District -Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha

For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 25-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Mokama P.S. Case No. **167 of 2017** registered for the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code.

Informant has alleged that on 06.11.2017 at about 9.30 p.m., her father left the quarter and went towards Mokama station to join his duty. On next day, i.e., on 07.11.2017, in the morning, the police and media persons came in her house and asked the house of her father then she told them that this is the house of her father. Then police told that one dead-body was lying on the southern side of N.H. 31 in front of Madho Pond and, thereafter, informant along with her family members went there and they identified the dead body of her father. She has suspected that unidentified criminals have killed her father due



to old enmity.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. Petitioner is not named in the F.I.R. and his name has surfaced in this case on the confessional statement made by the co-accused Raju Malik and except said confessional statement, there is no any other incriminating material against the petitioner. It has further been submitted that on the confession of co-accused, Suraj Kumar, the *koatri* which was used to kill the father of the informant was recovered and the said Suraj Kumar has already been granted bail vide order dated 22.02.2019 passed in Cr. Misc. No.75605/2018. Petitioner has no antecedent and he is in custody since 04.10.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Barh, Patna in connection with Mokama P.S. Case No. **167 of 2017**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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