

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70519 of 2019

Arising Out of PS. Case No.-153 Year-2019 Thana- JAMALPUR District- Munger

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GOPAL KUMAR @ KANHAIYA Son of Ashok Kumar Yadav Resident of
Village/Mohalla - Ramchandrapur (Nagar Parishad), P.S.- Jamalpur, Distt -
Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh
For the Opposite Party/s : Mr.Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
28.07.2019 in a case registered for the offences punishable
under Sections 302, 201 and 34 of the Indian Penal Code.

The prosecution case as per the written report of the
informant submitted to the SHO, Jamalpur Police Station is to
the effect that on 24.07.2019, at 8.00 P.M., the son of the
informant, namely, Siddhant Sagar @ Sonu went out of the
house, but he did not return. On 25.07.2019 at 6.00 A.M., a
rumor was floated in the village that one dead body is lying,
thereafter, the informant went there and identified the dead body
as that of his son, leading to registration of FIR against unknown.



Subsequently, the name of the petitioner sprang up during investigation on the basis of confessional statement of co-accused, Subodh Tanti.

It is submitted by learned counsel for the petitioner that except the confessional statement of the co-accused, Subodh Tanti, there is no cogent material against the petitioner and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that exactly similarly situated accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.12.2019 passed in Cr. Misc. No.74691 of 2019.

Learned APP for the State submits that the name of the petitioner sprang up on the basis of confessional statement of co-accused, Subodh Tanti.

Considering the suspicious nature of accusation and the investigation already being concluded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 CJM, Munger, in connection



with Jamalpur P.S. Case No. 153 of 2019.

(Mohit Kumar Shah, J)

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