

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13442 of 2020

Arising Out of PS. Case No.-181 Year-2018 Thana- MUFFASIL District- West Champaran

ALOK KUMAR Son of Mahesh Mahto @ Mahesh Mahto Khaswar Resident
of Village - Singha Chhapar, P.S.- Bettiah (Mufassil), Dist.- West Champaran,
Bihar-845438.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate.
For the Opposite Party/s	:	Mr. Bal Mukund Prasad Sinha, APP
For the Informant	:	Mr. Bimlesh Kumar Pandey, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-06-2020 This case has been heard through video-conferencing.

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The brother of the informant went out of his house after receiving a call on his mobile phone saying that he will return back in ten minutes but he did not return till the evening and in the morning his dead body was found in the sugarcane field of Dinesh Singh.

It is submitted by learned counsel for the petitioner



that the petitioner has no concern with the aforesaid occurrence. He has been falsely implicated in this case. The petitioner is neither named in the F.I.R. nor he was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement made by co-accused Manish Kumar, which has no evidentiary value in the eye of law. The aforesaid co-accused, namely, Manish Kumar has been enlarged on bail by a co-ordinate Bench of this court vide order dated 19.02.2019 passed in Cr. Misc. No. 70219 of 2018. Other co-accused persons, namely, Lucki Kumar Das has been enlarged on regular bail while Chandan @ Chandan Kumar @ Satish Prabhakar has been enlarged on anticipatory bail vide order dated 11.12.2018 and 07.03.2019 passed in Cr. Misc. No.73342 of 2018 and Cr. Misc. No.1020 of 2019 respectively. The petitioner has been languishing in custody since 27.09.2019.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named



petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Muffasil P.S. Case No.181 of 2018.

(Anjani Kumar Sharan, J)

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