

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14731 of 2020**

Arising Out of PS. Case No.-244 Year-2019 Thana- MADANPUR District- Aurangabad

NIGAM KUMAR @ NIGAM PRAJAPATI (Male), aged about 19 years, Son of Ramchandra Prajapati, Resident of Village-Ankorha, P.S.-N.T.P.C. Khaira, District-Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs.Leelawati Kumari, Advocate.

For the Opposite Party : Mr.Awadhesh Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 02-03-2020 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 302/34, 120(B) of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 17.11.2019 around 5.00 P.M. Md. Murtuza came at his brick-kiln from Aurangabad. In the meantime, three persons came at his brick-kiln and fired upon Md. Murtuza as a result of which, he died.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 05.12.2019. The petitioner has falsely been implicated in the



present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has come in the present case on the basis of confessional statement of co-accused Ajit Yadav. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case. There is no recovery of any incriminating article from possession of the petitioner. Other co-accused Birendra Yadav has been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 4029 of 2020 under order dated 22.01.2020 and co-accused Rajiv Kumar Singh @ Rajiv Kumar Sinha @ Rajiv Lal @ Kajal @ Kajal Sinha has been granted regular bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 5018 of 2020 under order dated 31.01.2020 annexed as Annexures-2 and 2/1 to the present application.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M.



Aurangabad (Bihar), in connection with Madanpur P.S. Case
No. 244 of 2019.

(Sudhir Singh, J)

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