

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18520 of 2020

Arising Out of PS. Case No.-16 Year-2019 Thana- BATH District- Bhagalpur

AASHISH KUMAR @ KALIYA Son of Shankar Singh Resident of Village -
Parbhara, P.S.- Tarapur, District – Munger. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha
For the Opposite Party/s : Mr. Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-07-2020 This case has been heard through video-conferencing.

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

The petitioner seeks bail in a case registered for the offence punishable under Section 302/201 of the Indian Penal Code and Section 27 of the Arms Act.

While the husband of the informant had gone to Asarganj and when he did not reach at Asarganj then she called on his mobile but it was switched off. Thereafter, a search was made and the dead body of her husband was found sustaining bullet injury in his temporal region. The bone of contention is said to be previous land dispute.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. 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 in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused Fantush Kumar which has no evidentiary value in the eye of law. Similarly situated co-accused, namely, Murlidhar Jha, FantushKumar and Rajiv Choudhary @ Rajiv Kumar Choudhary have been enlarged on bail by a co-ordinate bench of this court vide order dated 16.10.2019, 04.11.2019 and 17.02.2020 passed in Cr. Misc. Nos.44675 of 2019, 65270 of 2019 and 65997 of 2019. The petitioner has no criminal antecedent and has been languishing in custody since 04.05.2019.

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 FiveThousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IX, Bhagalpur in connection with Sessions Trial No.57 of 2020 (arising out of Bath P.S. Case No.16/19).

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(Anjani Kumar Sharan, J)

