

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57672 of 2019

Arising Out of PS. Case No.-379 Year-2018 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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AJAY KUMAR Son of Chandeshwar Rai Resident of Village - Chainpur,
P.S.- Katra, District - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilesh Kumar
For the Opposite Party/s : Mr.Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 04-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Kazimohammadpur (KMP) P.S. Case No. 379 of 2018, registered for the offence punishable under sections 302, 201, 120B and 34 of the Indian Penal Code.

As per allegation in the FIR, the son of the informant who used to work in a private hospital, went to work and thereafter disappeared. Subsequently his dead body was recovered from the fourth story of the hospital with a number of injuries. It is stated that the informant suspects the five accused persons named in the FIR including this petitioner, to have a



hand in the murder of the son of the informant.

It is submitted by learned counsel for the petitioner that admittedly there is no eye witness to the alleged occurrence and the name of the petitioner transpired in the confessional statement of co-accused Pankaj Kumar made before the police. Besides this confessional statement, there is no other incriminating material against this petitioner. It is further submitted that petitioner has no criminal antecedent and the aforesaid Pankaj Kumar has been enlarged on bail vide order dated 30.11.2018 passed in Cr. Misc. No. 68737 of 2018.

The application for bail is opposed by learned APP for the State who submits that although the witness, whose statement is recorded in paragraph no. 11 of the case diary is a hearsay witness, however, in paragraph no. 41 of the case diary, accused Pankaj Kumar has confessed his guilt and has also taken the name of this petitioner besides other accused persons. It is further submitted that so far as grant of bail to Pankaj Kumar is concerned, he had been granted regular bail by this Court.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the material that has transpired in course of



investigation and grant of bail of the co-accused together with the fact that petitioner has no criminal antecedent, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Kazimohammadpur (KMP) P.S. Case no. 379 of 2018, he will be enlarged 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 A.C.J.M.-I-cum-Sub Judge-I, East Muzaffarpur subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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