

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69794 of 2019**

Arising Out of PS. Case No.-42 Year-2019 Thana- NARKATIYAGANJ RAIL P.S. District-  
West Champaran

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AMIT KUMAR Son of Manan Patel Resident of Station Road Bela Gola,  
Harinagar, Ward No. 20, P.S.- Ramnagar, Distt - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      14-01-2020                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner in this case is seeking regular bail in connection with Rail P.S. Narkatiyaganj Case No. 42 of 2019 registered for the offence punishable under Sections 302, 201/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner has been implicated in this case merely on suspicion and name of the petitioner has been dragged in this case in the confessional statement of co-accused Deepak Kumar.

Learned counsel submits that the deceased brother of the informant was of a dull mind and was habitual in leaving the house on his own and this time his deceased brother left the house on 04.05.2019 and his dead body was recovered on 05.05.2019 and according to confession of co-accused this petitioner and other



accused had assaulted the deceased brother of the informant on railway station but no independent person has identified this petitioner and even the police parties who are normally present at the railway station has not arrested this petitioner. The petitioner is in custody since 06.05.2019 and investigation against him is complete.

Learned APP for the State has opposed the prayer of regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the informant himself has stated in the FIR that his deceased brother was of a dull mind and earlier also on two occasions he left the house on his own and this time his brother had left the house on 04.05.2019 and his dead body was recovered on the next day on 05.05.2019 whereupon the present FIR has been lodged in which on the basis of confessional statement of one Deepak Kumar this petitioner has been named among other four persons who had allegedly assaulted the deceased brother of the informant at the railway station and further submission that the railway station being a public place no independent person has identified this petitioner and even the Police Parties who are normally present at railway station has not arrested this petitioner being involved in such assault, the petitioner having remained in custody



since 06.05.2019 and investigation against him is complete, let the petitioner above named be released on bail in connection with Rail Narkatiyaganj P.S. Case No. 42 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Railway, Bettiah, West Champaran, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

**(Rajeev Ranjan Prasad, J)**

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