

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74172 of 2019

Arising Out of PS. Case No.-306 Year-2014 Thana- JAMUI District- Jamui

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DURGESH CHAND @ DURGESH CHANDRA KUSHWAHA @ AZAD,
aged about 35 years (Male), Son of Hareram Kushwaha, Resident of
Kamdhenwa, P.S.-Rampurkarkhana, District-Deoria (U.P.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 02-09-2020 Heard learned counsel for the petitioner and

learned APP for the State through Virtual Court proceeding.

In this case, the petitioner is seeking anticipatory
bail in connection with Jamui P.S. Case No.306 of 2014,
registered for the offence under Sections 302 and 201 of the
Indian Penal Code.

An unknown dead-body was found, led to
institution of criminal case. It transpired during investigation
that the deceased had gone to attend a *Barat* and in return he
was killed by the miscreants. During investigation, the name of
the petitioner has come out.

Learned counsel for the petitioner submits that the
Court below has rejected the prayer for bail only on the ground



of delay of six years. However, the material that has been collected during investigation requires custodial interrogation by the Police to find out as to whether the petitioner was also involved in the commission of crime or not.

In such view of the matter, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected. However, if the petitioner surrenders before the Court below within six weeks from today and prays for regular bail, the Court below will consider the same and pass appropriate order without being influenced by the order of this Court.

(Shivaji Pandey, J)

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