

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82155 of 2019**

Arising Out of PS. Case No.-153 Year-2019 Thana- JAMALPUR District- Munger

BITTU KUMAR @ GANDHI S/o Pratap Yadav @ Sushil Prasad Yadav R/o
village- Masumganj, P.S.- Dharhara, District- Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prem Chand Yadav
For the Opposite Party/s : Mr.Mohammed Arif

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 05-03-2020 Supplementary affidavit has been filed on behalf of the petitioner enclosing the copy of the order-sheet of the Court below showing that, following the direction of this Court vide order dated 18.12.2019, the petitioner has surrendered in the Court below on 02.01.2020.

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

The petitioner has prayed for bail in connection with Jamalpur P.S. Case No. 153 of 2019 registered for the offence punishable under sections 302, 201 and 34 of the Indian Penal Code.

As per the allegation in the FIR, the son of the informant, who had gone out did not return home and the next morning his dead body was found abandoned. Accordingly, FIR



was registered against unknown.

It is submitted by learned counsel for the petitioner that the name of the petitioner transpired in the confessional statement of co-accused Subodh Tanti. No incriminating article has been recovered from the possession or house of this petitioner. No independent witness has supported the case and there is no eye witness to the occurrence. The petitioner has no criminal antecedent. It is further submitted that the aforesaid Subodh Tanti has been enlarged on bail vide order dated 04.02.2020 passed in Cr. Mic. No. 601 of 2020.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts as stated above, the petitioner, who is in custody since 28.07.2019, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Jamalpur P.S. Case No. 153 of 2019.

(Partha Sarthy, J)

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