

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12845 of 2021**

Arising Out of PS. Case No.-171 Year-2017 Thana- BOCHAHAN District- Muzaffarpur

AJAY KUSHWAHA @ AJAY KUMAR Son of Rangilal Prasad Resident of
Village - Khemaipatti, P.S.- Minapur, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr.Malay Kumar Choudhary, Advocate
For the Opposite Party/s :		Mr.Binod Kumar-III, A.P.P.

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

3 25-08-2021 Heard learned counsel for the petitioner and Mr.
Binod Kumar-III, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Bochahan P.S. Case No. 171 of 2017 registered for the offence under Section 147, 148, 149, 302, 201, 120(B) of the Indian Penal Code. He is in custody since 20.10.2020.

Learned counsel for the petitioner submits that the petitioner is one amongst the 12 named accused persons in the First Information Report against whom allegations have been made that they have killed the brother of the informant and threw his dead body after putting the same in a Jute bag in the bush near the pilling machine of Anil Singhand Vinod Singh. The said place was flooded with water from where the dead

body was recovered.

Learned counsel submits that the F.I.R. has been lodged after the recovery of the dead body. No prior information was given to the police, though the brother of the informant had not returned home on 23.08.2017.

Learned counsel further submits that in course of investigation the statement of one Vikash Kumar has been recorded. He has narrated the story as to how the deceased along with his friend had gone to a particular place, had consumed liquors and then they were moving together. This petitioner has not been named by Vikash Kumar in his statement.

Learned counsel further submits that the informant is not an eye witness and there is no witness in the case diary saying that this petitioner was seen either with the deceased or at the place of the alleged occurrence.

It is further submitted that the co-accused Anil Singh, Shashi Ranjan Kumar and Vinod Kumar Singh have been granted bail by learned coordinate Benches of this Court vide Annexure '2' series. The petitioner has got two criminal antecedents, however in one of the cases final report has been filed and the petitioner has not been sent up for trial.

Learned A.P.P. for the State has opposed the prayer for

bail of the petitioner but after going through the case diary he does not dispute the submissions of learned counsel for the petitioner.

Considering the facts and circumstances of the case as discussed hereinabove, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur in connection with Bochahan P.S. Case No. 171 of 2017, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.