

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15734 of 2021

Arising Out of PS. Case No.-135 Year-2020 Thana- GAMAHAIRIYA District- Madhepura

Ashutosh Kumar @ Chhotu Kumar S/O Sri Badri Yadav @ Badri Yadav R/O
village- Mauzma, P.S.- Shankarpur, District- Madhupura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Binod Kumar no.3, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the father of the informant, while returning back home was shot dead by unknown accused persons.

It is submitted by learned counsel for the petitioner that the F.I.R. was registered against unknown. The petitioner was falsely implicated in the case in course of investigation. No incriminating article has transpired to connect the petitioner with the alleged crime. The only material that the investigating authorities are relying on are the call detail reports of the



telephone of the petitioner to show that he was also in the same area and the statement of the coaccused made before the police which is inadmissible. The petitioner is in custody since 3.10.2020 and charge sheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner having remained in custody for over 11 months and charge sheet having been submitted, the Court directs the petitioner to be enlarged on bail in connection with Gamhariya P.S. Case no. 135 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate- 1st Class, Madhepura.

(Partha Sarthy, J)

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