

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22294 of 2021

Arising Out of PS. Case No.-781 Year-2020 Thana- AHİYAPUR District- Muzaffarpur

ATALJEET BIHARI Son of Nawal Kishore Paswan Resident of Village and
Post - Kafen Chaudhary, P.S. - Hathauri, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan, Advocate

For the Opposite Party/s : Mr. Anand Kishore Chaudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-11-2021

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 366 and 365 of the Indian Penal Code to which sections 302, 120B and 201 of the Indian Penal Code were added subsequently.

As per the prosecution case, the son of the informant proceeded with Akshay Kumar and, thereafter, did not return. Subsequently in course of investigation the dead body was discovered and section 302 of the Indian Penal Code besides other sections was added.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. There is no eye witness to the alleged occurrence. The only material being relied upon against the petitioner is the confessional statement of co-accused Akshay Kumar made before the police which is not



admissible. The petitioner is in custody since 21.10.2020 and chargesheet has been submitted in the case. Besides there is delay in sending of the FIR to the learned court as also there are shortcomings in the postmortem report of the deceased.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for over one year, the petitioner is directed to be enlarged on bail in connection with Ahiyapur P.S. Case no. 781 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 Chief Judicial Magistrate, Muzaffarpur.

(Partha Sarthy, J)

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