

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30108 of 2020

Arising Out of PS. Case No.-347 Year-2019 Thana- GAYA RAIL P.S. District- Gaya

Akhilesh Kumar @ Banti Kumar, Son of Basudeo Prasad, Resident of Village/Mohalla-Murli Hill, Telbigha, I.S. Lane, P.S. - Kotwali, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kunwar Narayan Jamuar, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 27-01-2021 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection with Rail (Gaya) P.S. Case No.347 of 2019 registered for the offence punishable under Sections 302, 120B, 201/34 of the Indian Penal Code.

Dead body of the maternal uncle of the informant was recovered from the track and kept at the Railway Police Station. The informant has alleged that the instant petitioner along with other co-accused have killed her maternal uncle and threw the dead body on the railway track. Reference to some incident in the past has also been made in the F.I.R.

Petitioner's counsel submits that initially an unnatural



death (U.D.) case was lodged, based on recovery of the dead body from the track. The inquest report was also prepared finding the probable cause as having occurred due to fall from the train. The victim left his home on his own volition on 30.08.2019 and when the victim's mother has claimed the dead body, she has not made any allegation of murder. Prosecution by the informant is based on extraneous considerations. The petitioner also has no criminal antecedents. Petitioner's counsel submits that his implication is only based on suspicion.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Railway Magistrate, Gaya, in connection with Rail (Gaya) P.S. Case No.347 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also



subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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