

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40376 of 2020

Arising Out of PS. Case No.-132 Year-2020 Thana- BARHIYA District- Lakhisarai

RAUSHAN SAW, son of Sri Ram Balak Saw, Resident of Mohalla Ramsen Tola, Ward No. 9, Near Petrol Pump, Barahiya, Police Station Barahiya, District Lakhisarai

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Sinha

For the State : Mr. Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 14-06-2021 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioner seeks regular bail in connection with Barhiya Police Station Case No. 132 of 2020, registered for the offences punishable under Sections 302/201/34 of the Indian Penal Code.

The allegation, as per the First Information Report, is that one dead body of unknown person was found in the maize field and the name of the petitioner transpires in course of investigation.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged



and he has falsely been implicated in this case on the basis of the confessional statement of co-accused Vikash Kumar, who has been granted bail by co-ordinate Bench of this Court, vide order, dated 23.03.2021, passed in Criminal Misc. No. 40508 of 2020. He further submits that from perusal of the impugned order, it would be evident that co-accused Vikash Kumar and this petitioner were seen moving at the platform of Barhiya Railway Station in the morning when the dead body was found. He further submits that another co-accused Shankar Ram, whose name also transpires on the basis of the confessional statement of co-accused Vikash Kumar, has been granted anticipatory bail by co-ordinate Bench of this Court, vide order, dated 03.05.2021, passed in Criminal Misc. No. 39172 of 2020. He next submits that the petitioner is in custody since 02.09.2020, having no criminal antecedent.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that co-accused Vikash Kumar, on whose confessional statement the petitioner has been dragged in this case, another co-accused, Shankar Ram, who has been granted anticipatory bail by this Court, the petitioner is in custody since 02.09.2020 and charge sheet has been submitted in this case, I am inclined to grant



regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Barhiya Police Station Case No. 132 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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