

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14056 of 2021

Arising Out of PS. Case No.-40 Year-2020 Thana- BATH District- Bhagalpur

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1. NIRBHAY SINGH @ NIRBHAY KUMAR SINGH S/O PERMANAND SINGH R/O VILLAGE KARHARIYA, P.S.- BATH, DISTRICT BHAGLPUR
 2. AJIT KUMAR S/O RAJA RAM PRASAD SINGH @ RAJARAM MANDAL R/O VILLAGE KHANPUR MAL, P.S.- BATH, DISTRICT BHAGLPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s :	Mr. Ram Anurag Singh, APP
	Mr. Radha Mohan Singh, Advocate
	Ms. Kiran Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 05-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302 and 201 of the Indian Penal Code.

As per allegation in the F.I.R., the son of the informant who had gone missing, on search was found hanging from a tree. The informant suspects that unknown accused persons have killed him.

It is submitted by learned counsel for the



petitioners that the FIR was registered against unknown. A few days into course of investigation it transpired that the deceased was having an illicit relationship with one Ankita Bharti. The petitioner no.1 happens to be the brother of the said Ankita Bharti and has been falsely implicated in the case on the basis of some telephone call allegedly made from his mobile number. There is no eye witness to the occurrence. The allegations are purely circumstantial in nature. The aforesaid Ankita Bharti has been enlarged on bail vide order dated 1.7.2021 passed in Cr. Misc. No. 16340 of 2021. The petitioners are in custody since 24.8.2020 and have no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that although the evidence is circumstantial in nature but the allegations against the petitioners is strengthened from the fact that besides being the brother of Ankita Bharti, as per the CDR report of his mobile phone shows that he was in the vicinity.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioners having remained in custody for over 11 months and investigation in the case having concluded, the



Court directs the petitioners to be enlarged on bail in connection with Bath P.S. Case no. 40/2020 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 Additional Chief Judicial Magistrate XIII, Bhagalpur.

(Partha Sarthy, J)

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