

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13241 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

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Gopi Mallik Son of Suban Mallik Resident of Village - Muzaffarganj, P.S.-
Haveli, Kharagpur, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 30-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioner seeks bail in connection with Bhagalpur

Rail P.S. Case No. 149 of 2021 registered for the offence under

Sections 302, 201/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in

custody since 10.12.2021.

The allegation against the petitioner is to commit murder

of son of the informant along with other co-accused persons due to

previous enmities.

Learned counsel appearing on behalf of the petitioner

submitted that informant is not the eye witness of the occurrence,

where the name of petitioner surfaced merely on the basis of

previous enmities arises out of love affairs. It is further submitted



that nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner with present occurrence out of suspicion as raised through F.I.R. It is also submitted that even the last call to deceased was made from the phone of Ravina Devi, having no connection with this petitioner, who is a man of clean antecedent and moreover, investigation of this case has been completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except suspicion, nothing surfaced during the course of investigation coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bhagalpur Rail P.S. Case No. 149 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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