

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14237 of 2022

Arising Out of PS. Case No.-162 Year-2019 Thana- PARSABAZAR District- Patna

MADHUSUDAN KUMAR @ MADHUSUDAN @ MAKSUDAN @
PANKAJ KUMAR@PANKAJ SINGH SON OF LATE BALDEO SINGH
RESIDENT OF VILLAGE- MOKIMPUR, P.S.- PARSA BAZAR,
DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 31-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Petitioner seeks regular bail in a case registered for the
offences punishable under Sections 302 and 201/34 of the Indian
Penal Code.

As per allegation, informant's son went outside of his
house and did not return till late night and the informant started
searching him and inquired from friend of the victim and got
information that the victim was seen going towards maize crops field
along with unknown person who accompanied the victim and in the
meantime, informant got information that a dead body had been
buried near a Pipal tree and thereafter, the informant reached at the
said place and identified the body of his son.

The main submissions advanced by Sri Jay Ram Prasad,



the learned counsel appearing for the petitioner are that against the petitioner there is no direct evidence and his name surfaced in the confessional statement of co-accused except that there is no material to connect him with the alleged murder and as per prosecution, deceased was murdered under a conspiracy and there is no cogent material to show the petitioner being a conspirator in the alleged murder.

Sri Ashok Kumar, learned APP appearing for the State has opposed the prayer for bail and submitted that tower location of mobile phone of the petitioner was found near the place of occurrence at the time of incident and the petitioner has got criminal antecedent of four cases.

Heard both sides and perused the FIR as well as case diary. Petitioner is not named in the FIR and in the FIR, informant did not raise any suspicion and during investigation, the police only found tower location of mobile phone of the petitioner near place of occurrence at the time of incident and except this there is no other material against the petitioner. Learned APP has not pointed out any concrete evidence in the case diary which goes against the petitioner except tower location of mobile phone of the petitioner at the relevant time, in the opinion of this court, a lenient approach can be taken in respect of the petitioner who has been languishing in jail since 11.10.2021.

Let the petitioner 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 Addl. Chief Judicial Magistrate, Patna in Parsa Bazar P.S Case No. 162 of 2019.

(Shailendra Singh, J)

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