

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43928 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- GOGRI District- Khagaria

Arvind Kumar @ Bablu Kumar @ Bablu Rai Son Of Late Waqil Rai R/O
Village- Dumaria, P.S.- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shashank Shekhar, Advocate
For the Informant	:	Mr.Anand Kishore Choudhary, Advocate
For the State	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Gogri P.S. Case No. 74 of 2022 registered for the offence under Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 09.03.2022.

The allegation against the petitioner is to commit murder of the son of the informant, along with other co-accused persons, by causing fatal body injury in backside of the head.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in this case, where name of the petitioner surfaced, merely, on the basis of suspicion as he was one of the friend of the deceased. It is submitted that deceased was called from home by co-accused, Pankaj Mishra, whose auto rickshaw was found near dead body. It is further submitted that after arresting of co-accused, Pankaj Mishra, several injuries marks were found upon his body as mentioned in **Para-22** of the case diary suggesting thereof, that balance of investigation is appearing incriminating against co-accused, Pankaj Mishra, not against this petitioner. While concluding the argument, it is submitted that petitioner is involved in one case where he is on bail and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail submitted that petitioner was last seen with the deceased.

In view of the facts and circumstances as mentioned above, and by taking not of the nature of accusation, where auto rickshaw of co-accused was found near the dead body of the



deceased not of this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Gogri P.S. Case No. 74 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge-V, Khagaria/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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