

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46435 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Shuvam Kumar @ Hathkatta, aged about 25 years, male, S/o Manoj Kumar
Singh @ Manoj Kumar, Resident of Village- Pahsara, P.S.- Nawkothi,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 28-11-2022 Heard the learned counsel for the parties.

The petitioner, who is in custody since
08.09.2021, seeks bail in connection with Nawkothi P.S.
Case No. 103 of 2021, dated 23.07.2021, instituted for
the offences under Sections 302, 120(B) and 34 of the
Indian Penal Code and Section 3 and 4 of the Explosive
Substance Act, 1908.



The father of the deceased has alleged that his son was assaulted by 10 to 15 unknown persons who later fled away in different directions. The name of the petitioner in this case has transpired on the basis of CCTV footage in which his picture has been captured.

Mr. Alok Kumar Alok, the learned Advocate for the petitioner submits that merely remaining in the frame of the CCTV footage would not lead to the only inference that the petitioner had participated in the occurrence. He could be an onlooker as well. It has further been submitted that it is not clear from the impugned order whether the CCTV footage was absolutely clear so as to warrant prosecution and incarceration of the petitioner only on the basis of such photo image.

Be that as it may, considering the vague nature of accusation against the petitioner and the fact that similarly situated accused persons have been granted bail by co-ordinate Benches of this Court as also the



period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Begusarai in connection with Nawkothe P.S. Case No. 103 of 2021.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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