

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59525 of 2021

Arising Out of PS. Case No.-40 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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JITENDRA CHAUDHARY S/o Late Jagdish Chaudhary R/o Village - Shanti
Nagar, P.S. - Magadh Medical, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sudhir Kumar Sinha, Advocate
For the Informant	:	Mr.Rahul Singh, Advocate
For the Opposite Party/s	:	Mr.Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-03-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Magadh
Medical P.S. Case no. 40 of 2021 registered for the offence
punishable under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is in custody since 09.06.2021, is a person with clean
antecedent and charge sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant in the F.I.R. alleges that on 24.01.2021 at 6:00 p.m.,
his father went to the house of Akhilesh Yadav but he did not
return on time, suddenly at about 8.15 p.m, Bittu Kumar Singh
came to the house of the informant and informed that five



persons were assaulting his father at Naili Dubhal Road, accordingly the informant and his family members reached at the place of occurrence but they found nothing. It is further alleged that on 25.01.2021 at 10.30 a.m., the dead body of the deceased was found on East Naili Dubhal Road and mobile was also recovered near the dead body.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the F.I.R. was against unknown and the name of the petitioner came in the confessional statement of Bittu Kumar Singh, who has been granted bail by order dated 17.01.2022 in Cr. Misc. No.47196 of 2021. Learned counsel further submits that similarly situated co-accused Sanjeet Singh @ Muggu Singh has also been granted bail vide order dated 07.02.2022 in Cr. Misc. No. 51375 of 2021.

Learned counsel for the informant as well as learned A.P.P. for the State vehemently oppose the bail application and the learned counsel for the informant submits that the trial is going on and out of eight witnesses, three witnesses have been examined, but is not able to meet the submission of the learned counsel for the petitioner that the person on whose confessional statement the name of this petitioner transpired has been granted



bail.

Considering the fact that petitioner is in custody, is a person with clean antecedent, charge sheet has been submitted and co-accused has been granted bail, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate-IV, Gaya in connection with Magadh Medical P.S. Case No. 40 of 2021. If the petitioner does not appear in the trial on two consecutive dates, the learned court below will be at liberty to cancel his bail bonds.

(Satyavrat Verma, J)

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