

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60282 of 2021**

Arising Out of PS. Case No.-270 Year-2021 Thana- BHAGWAN BAZAR District- Saran

ANKIT KUMAR CHAURASIYA @ GOLU @ GULA Son of Ashok Kumar
@ Ashok Kumar Bhagat Resident of Village - Pithouri, P.S.- Baniyapur,
Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anant Kumar Bhaskar, Advocate
For the Informant	:	Mr. Rana Vikram Singh, Advocate
For the Opposite Party/s	:	Ms.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-03-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences under Sections 302 and 34 of the Indian Penal Code
read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 07.06.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that his son Suraj (deceased) was working as
an assistant compounder in a private nursing home, further on
03.06.2021 at 8:00 am, co-accused Amitabh Rai who is
compounder of co-accused Dr. Rakesh Kumar Prasad called the



informant and gave the mobile to Dr. Rakesh who informed that his son is traceless from the nursing home. The informant reached the place of occurrence and came to know that the accused persons have shot the deceased and thrown his dead body in Shishu Park, further the informant went to hospital where he found the dead body of his son.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that a general and omnibus allegation has been alleged against all the accused persons that they shot the deceased and threw his body in Shishu Park and his dead body was found in a hospital. Learned counsel further submits that it has been recorded at paragraph '36' of the case diary that the police from C.C.T.V. footage gathered that the petitioner was seen coming out of the nursing home, thereafter he sat on a motorcycle and two unknown boys came and talked to the petitioner and thereafter the deceased was seen coming out of the nursing home and he sat with the petitioner on motorcycle and left as such the deceased was last seen with the petitioner. Learned counsel submits that though the police based on C.C.T.V. footage is claiming that petitioner was last seen with the deceased but paragraph '38' of the case diary records the



statement of a dancer, namely, Sonia who has stated that the petitioner and the deceased were known to her and had come to pick her up from the railway station and thereafter she accompanied petitioner for Chhapra and the deceased stayed back at the station. Learned counsel submits that though the petitioner had accompanied the deceased on motorcycle as they were working together in the said private nursing home, but they had gone to the railway station to meet Sonia who claims that she accompanied the petitioner and the deceased stayed back as such it cannot be said that petitioner was last seen with the deceased as Sonia claims that she had seen the deceased with the petitioner at the railway station but accompanied the petitioner on his motorcycle to Chhapra. Learned counsel thus submits that the entire allegation hinges around suspicion.

Learned A.P.P. for the State and learned counsel for the informant vehemently oppose the prayer for bail of the petitioner but are not able to meet the submission made by the learned counsel for the petitioner that based on the investigation as it has come in the paragraph '38' of the case diary where statement of Sonia has been recorded.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case, the petitioner is a



person with clean antecedent and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhagwan Bazar P.S. Case No. 270 of 2021.

(Satyavrat Verma, J)

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