

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9304 of 2021

Arising Out of PS. Case No.-545 Year-2020 Thana- KANKARBAG District- Patna

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RAUSHAN KUMAR @ BALIYA S/o Bajrangi Yadav R/O Azad Path Gali
No. 2, P.S. Kankarbagh, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 01-02-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Kankarbag P.S. Case no. 545 of 2020 instituted for the
offence under Sections 302, 201 and 120B of the Indian Penal
Code.

As per allegation in the FIR, co-accused Painter
Kumar taken away the brother of the informant on an E-



Rickshaw on 30.7.2020 and when till late night he did not return, informant started to look for him. In course of search, she received information that an unknown body was recovered for post-mortem examination and upon this information, she went to PMCH and identified the dead body as that of her brother Sony @ Andawa in half burnt state. It is further alleged that accused persons had killed the brother of the informant by strangulating and tried to burn his body to erase the evidence.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Prior to his death, he was taken away by his three friends and not by the petitioner. There is no eye witness of the alleged occurrence. From perusal of the case diary, there is no tangible evidence against him. In statement of co-accused Ravish Kumar, petitioner name has come, which has no evidentiary value in the eye of law.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of



four weeks from today and in the event of his arrest or surrender in connection with Kankarbagh P.S. Case no. 545 of 2020, he will be enlarged 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 learned Judicial Magistrate, 1st Class, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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