

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67594 of 2021**

Arising Out of PS. Case No.-362 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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Amit Kumar @ Bitu @ Bittu Kumar @ Nepali @ Amit Raj Son of Dilip
Kumar Resident of Village/Mohalla Nuranibag Colony, Shersah Road, P.S.-
Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 06-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with
Aurangabad Town P.S. Case No. 362 of 2021 registered for the
offence under Sections 302, 120(B) and 34 of the Indian Penal
Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 03.09.2021.

The allegation against the petitioner is to commit
murder of husband of the informant with fire arm.

Learned counsel appearing on behalf of the petitioner



submitted that the name of the petitioner surfaced during the course of investigation, on the basis of confessional statement of co-accused, namely, Vishal Kumar and Raja Yadav and further nothing surfaced during the course of investigation, which may implicate the petitioner with the present set of occurrence. It is further submitted that Call Detail Report (CDR), as collected during the course of investigation suggest that wife of the deceased, being informant, and other co-accused persons found in regular conversation. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that petitioner is not named in the F.I.R. and except CDR of telephonic conversation only with the informant/wife, nothing incriminating surfaced during the course of investigation against the petitioner.

Considering the facts and circumstances as mentioned above, as the name of the petitioner surfaced on the basis of confessional statement of co-accused, having only incriminating material that petitioner was found in telephonic conversation



with the informant/wife, let the petitioner, above named, is directed to be released on bail in connection with Aurangabad Town P.S. Case No. 362 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Deelip Kumar, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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