

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67980 of 2021

Arising Out of PS. Case No.-193 Year-2020 Thana- KATRA District- Muzaffarpur

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AVNISH KUMAR SAH Son of Baliram Sah @ Balram Sah Resident of
Village - Singhwari, P.S.- Katra, Distt.- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Katra
P.S. Case No. 193 of 2020 registered for the offences punishable
under Sections 302, 201 / 34 of the Indian Penal Code 1860.

The prosecution case, as per the First Information
Report, is that suspicion has been raised against the petitioner
and other accused persons that they killed the son of the
informant and hanged his dead body on a mango tree. It has
further been alleged that prior to the date of occurrence, on
14.6.2020, the son of the informant Dilip Kumar Rai (deceased)
assisted the Police in seizure of illicit liquor belonging to the
petitioner Avnish Kumar Sah.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case merely on the basis of suspicion raised in the First Information Report that two months prior to the occurrence the deceased had caused the seizure of illicit liquor belonging to the petitioner and except suspicion no cogent evidence has come against the petitioner during course of investigation. He further submits that the dead body of the deceased was hanged with the mango tree and the cause of death is *asphyxia* due to ante mortem hanging. He next submits that there is no mark of assault or ante mortem external injury on the body of the deceased. The petitioner is in custody since 4.2.2021. Learned counsel further submits that similarly situated co-accused / Sanjay Rai has been granted bail by this court in Cr. Misc. No. 48192 of 2021.

Regards being had to the submissions made by the parties and taking into consideration the materials on record, the fact that except suspicion no cogent evidence has come against the petitioner during course of investigation, he is in custody since 4.2.2021, charge sheet has already been submitted and similarly situated co-accused has been granted bail by this court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/-



(Twenty thousand) with two sureties of the like amount each to
the satisfaction of learned Addl. Sessions Judge- 18th,
Muzaffarpur, in connection with Katra P.S. Case No. 193 / 2020.

(Anil Kumar Sinha, J)

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