

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61444 of 2022

Arising Out of PS. Case No.-370 Year-2022 Thana- MADHEPURA District- Madhepura

Bibhuti Kumar @ Anand Kumar @ Bibhooti Anand Kumar Son of Rajesh Kumar @ Rajesh Mukhiya @ Roshan Kumar R/v- Sonebarsha Raj, P.S.- Sonebarsha Raj, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-11-2022 At the outset, learned counsel for the petitioner submitted that inadvertently, name of father of the petitioner, in the cause title of the bail petition, has been wrongly omitted i.e. @ Roshan Kumar.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction, during the course of the day itself.

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 Madhepura P.S. Case No. 370 of 2022 registered for the offence



under Sections 302 and 120 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 15.06.2022.

The allegation against the petitioner is to commit murder of one unknown person, whose dead body was recovered by a local Chowkidar, namely, Md. Atabul, who is the informant of the present case.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of the co-accused, namely, Rohit Kumar, and in furtherance of which no incriminating material surfaced/recovered, during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence/murder. It is further submitted that no incriminating material recovered/surfaced, during the course of investigation, and furthermore the investigating agency submitted final form against this petitioner, where without any incriminating material learned C.J.M. took cognizance, merely, on the basis of confessional statement of the co-accused, having no evidentiary value under the law. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which,



charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as save and except suspicion, nothing surfaced in furtherance of confessional statement of the co-accused to connect this petitioner, *prima facie*, with the present set of occurrence/murder coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Madhepura P.S. Case No. 370 of 2022 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, Madhepura/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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