

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18762 of 2023

Arising Out of PS. Case No.-16 Year-2021 Thana- BHAIKAVSHTHAN District- Madhubani

Md. Kaishar @ Bhonu @ Md. Asfaque S/O Late Md. Jamil Resident Of
Village- Sharfuddinpur, Gopalpur Gopal, P.S.- Bochahan, District-
Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 302, 201
of the Indian Penal Code.

As per prosecution case, the nephew of the
informant got down from train and informed his son that he
would be coming to home by auto but he did not reach. Next
morning i.e. 16.02.2021 dead body of the informant's nephew
was found lying by the side of the road.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case merely on the basis of



confessional statement of co-accused. The petitioner has no concern with the alleged occurrence and he is also not named in the FIR. Similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 05.05.2022 passed in Cr. Misc. No. 50442 of 2021. It is further submitted that the petitioner is languishing in judicial custody since 09.12.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bhairabasthan P.S. Case No. 16 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-3rd, Jhanjharpur, District Madhubani.

(Sunil Kumar Panwar, J)

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