

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23155 of 2022

Arising Out of PS. Case No.-628 Year-2021 Thana- BIHAR District- Nalanda

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PRAKASH KUMAR @ CHHOTE Son of Sri Ranjeet Singh Resident of Village
Sherpar, P.S. Barbigha, District - Shiekhpora.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Ms. Vaishnavi Singh, Advocate
		Mr. Nilesh Kumar, Advocate
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 11-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that the dead body of an unknown person was recovered and it appeared that he had been strangled to death and his body thrown in the bushes by the side of the road to hide the same.

It is submitted by learned counsel appearing for the petitioner that the F.I.R. was registered against unknown. The name of the petitioner transpired and he was falsely implicated in course of investigation when the dead body was identified by one Mr. Rohit Kumar to be that of his uncle. It is submitted that the family members of the deceased in course of investigation alleged



about some differences over purchase of tractor and non-payment of installment by the parties.

It is further submitted that there is no eyewitness to the occurrence and the prosecution is mainly relying on the location of the mobile phone of the petitioner. The postmortem report does not corroborate the material on which the prosecution relies. The petitioner is in custody since 11.12.2021 and charge-sheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the material that has transpired in course of investigation as against the petitioner, the petitioner being in custody for more than a year since 11.12.2021 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Bihar P.S. Case no. 628 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 the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif.

(Partha Sarthy, J)

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