

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35128 of 2023

Arising Out of PS. Case No.-46 Year-2022 Thana- BIKRAM District- Patna

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Aman Kumar S/O Raj Kishore Yadav @ Raj Kishore R/O Village- Naghar,
P.S- Bikram, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Niwas Prasad, Adv.

For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 30-10-2023 Heard the parties.

2. The petitioner apprehend his arrest in a case registered for the offence punishable under Sections 302, 328, 494 and 34 of the Indian Penal Code.

3. According to prosecution case, the informant alleges that his sister was married to the petitioner and was his second wife, further from first wife petitioner had a son, further also had a grandson, it is next alleged that his sister was issueless, further his sister was demanding her share in the property but petitioner willed his property in favour of his grandson Aman and further accused persons including the petitioner killed his sister.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Petitioner has no criminal antecedent as mentioned in



para-3 of this application. He further submits that the occurrence took place on 11.12.2021 but the present F.I.R. was instituted on 09.02.2022 after delay of about two months without any explanation of delay, which creates serious doubt about the prosecution case. He further submits that there is no overt-act against the petitioner and similarly situated co-accused, namely, Ramdev Singh has been enlarged on anticipatory bail by a co-ordinate bench of this Court vide order dated 14.11.2022 passed in Cr. Misc. No. 58862 of 2022.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond or Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Bikram P.S. Case No. 46 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J.)

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