

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36885 of 2023

Arising Out of PS. Case No.-436 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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AAYUSH KUMAR @ JANU S/O LATE SANJAY KUMAR THAKUR R/O
Semra Bhumihaar Tola, P.S- Turkauliya, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra
For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 23-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail in connection with
Govindganj (Areraj) P.S. Case No. 436 of 2022 registered for
the offence under Sections 302, 120(B)/34 of the IPC and
Section 27 of Arms Act.

According to FIR, unknown miscreants fired upon
Sanjay Kumar Thakur who died when he was being taken to
hospital.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. The petitioner is not
named in the FIR, rather his name has been transpired in this



case only on the basis of confessional statement of apprehended accused, namely Aayush Kumar, which has got no evidentiary value in the eye of law. There is no eye-witness of the alleged occurrence rather the FIR has been lodged on the basis of suspicion. During course of investigation, no any cogent material has come against the petitioner to show his complicity in the alleged offence. Moreover, similarly situated co-accused namely, Hari Shankar Kumar has already been granted bail by this Court vide order dated 24.5.2023 passed in Cr. Misc. No. 26967 of 2023. It is further submitted that petitioner has got no criminal antecedent and he is languishing in judicial custody since 30.7.2022.

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 petitioners, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Govindganj (Areraj) P.S. Case No. 436 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Motihari at East Champaran.

(Sunil Kumar Panwar, J)

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