

Arising Out of PS. Case No.-170 Year-2021 Thana- THAWE District- Gopalganj

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... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh, Advocate

For the Opposite Party/s : Ms.Dr. Indiwari Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 06-02-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Thawe PS case no. 170 of 2021 instituted for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

The case of the prosecution in brief is that one Constable namely Arjun Dayal, who was on duty, was found missing from the barrack in the night of 10.08.2021, whereafter a search was made and ultimately, his dead body was found near a temple at about 6.15 in the morning, smeared with mud.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 14.08.2021. The learned counsel for the petitioner has further submitted that there is no eye-witness to the alleged



incident and the petitioner along with other co-accused persons have been falsely implicated in the present case on account of them having had some quarrel with the deceased, when they were participating in an Orchestra programme. It is also submitted that the confessional statement of the petitioner has not led to recovery of either any incriminating article or the weapon used to kill the deceased, hence, there is no material on record to suggest the complicity of the petitioner in the alleged crime. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by this Court vide orders dated 03.01.2023, passed in Cr. Misc. no. 1644 of 2022 and 9618 of 2022, respectively.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that there is minuscule evidence on record so as to connect the petitioner with the alleged crime apart from the fact that the co-accused persons have already been granted bail by this Court, hence I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to



be released on regular bail on furnishing bail bond of Rs. 10,000/-
(Rs. Ten thousand) with two sureties of the like amount each to the
satisfaction of learned court of Chief Judicial Magistrate,
Gopalganj in connection with Thawe PS case no. 170 of 2021.

(Mohit Kumar Shah, J)

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