

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46832 of 2023

Arising Out of PS. Case No.-796 Year-2022 Thana- KHAGARIA District- Khagaria

TILKESHWAR KUMAR Son of Rampratap Mahton Resident of village -
Chamrahi, P.S.- Bakhari, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Khagaria (Gangaur) P.S. Case No. 796 of 2022 registered for the
offence under Sections 302/34 of the Indian Penal Code and
under Section 27 of the Arms Act.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 19.03.2023.

5. The allegation against the petitioner is to commit
murder of son of informant alongwith other unknown co-
accused persons, while he went to collect milk from different
vendors.



6. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in this case out of suspicion and his self-confession, where in furtherance of no incriminating material recovered/surfaced as to connect petitioner, *prima facie*, with present occurrence of murder. It is submitted that as mobile tower location of petitioner was found near the place of occurrence as per Call Details Reports, he was implicated with present occurrence. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except suspicion arises out of mobile tower location and self-confession, nothing appears incriminating against this petitioner as to connect him, *prima facie*, with present occurrence of murder, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 19.03.2023, accordingly, above named petitioner



is directed to be released on bail in connection with Khagaria (Gangaur) P.S. Case No. 796 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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