

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53543 of 2023**

Arising Out of PS. Case No.-1006 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Vishal Kumar @ Damru Son Of Bablu Das R/O-Harijan Tola, Jalim Kori Lane, Bari
Khanjarpur, P.S.-BARARI, Distt.-BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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For the Petitioner/s	:	Mr.Praveen Kumar, Advocate
For the Opposite Party/s	:	Mr.Navin Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-08-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner has preferred this application for grant
of regular bail in connection with Sessions Case No. 394 of 2023
arising out of Kotwali (Barari) P.S. Case No. 1006 of 2022 dated
29.10.2022 registered for the offences punishable u/s 302 read
with Section 34 of the Indian Penal Code.

4. As per the prosecution case, on secret information,
the informant along with the police personnel went to the place of
occurrence and found that one dead body of unknown person was
lying in the field situated at Kohri Medical Quarter. It is further
alleged that there was cut mark on the back side of the head, above
the neck and his left ear was also cut.



5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the confessional statement of the co-accused, Saurav Kumar and Ganesh Hari. There is no eye witness to the alleged occurrence. Nothing has been recovered from the possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 02.11.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bhagalpur in connection with Sessions Case No. 394 of 2023 arising out of Kotwali (Barari) P.S. Case No. 1006 of 2022.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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