

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51858 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- SARAIYA District- Muzaffarpur

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Annu Kumar @ Anunay @ Anunay Kumar S/o- Akhilesh Kumar Singh
Resident of Village - Repura Rampur Balli, P.S.- Saraiya, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv

For the Opposite Party/s : Md. Aslam Ansari, APP

Mr. Sanjay Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-01-2023 Heard learned counsel for the petitioner and learned APP for
the State as well as learned counsel for the informant.

This Court would expect that the petitioner's counsel would
honour his undertaking in the instant proceedings regarding supply of
requisite court fee etc. within two weeks from the date he is called
upon to do so by the office.

Petitioner seeks bail in connection with Saraiya (Jaitpur O.P)
P.S. Case No. 124 of 2022 registered under Sections 302, 201,
120(B) and 34 of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution story is that the accused, including the
petitioner, has killed the husband of informant under conspiracy.
They have taken away the bullet motorcycle belonging to her
husband. The police party reached Sikrahiya looking for her husband



and raided the house of the accused Braj Kishore Thakur. The motorcycle has been recovered from the house of Sumanth Thakur and on interrogation of Braj Kishore Thakur in the investigation, the location, from where the dead body has been recovered, was ascertained, being in the mustard field behind the government school.

Learned counsel for the petitioner submits that having no criminal antecedent, petitioner has been implicated on suspicion based on his proximity with some of the accused persons since before. Even as per the material in investigation, considered in detail in the order of learned Additional Sessions Judge, the only material in the investigation against the petitioner is his own confessional statement recorded in paragraph 42 of the case diary. The said confessional statement is also not corroborated by the injuries found and recorded in the postmortem report.

Learned counsel for the informant as well as learned APP have opposed the prayer for bail. It is submitted that petitioner was a party to the crime. He has been arrested on the same day on which Braj Kishore Thakur and other accused persons have been arrested.

Considering the rival submissions, the manner of petitioner's implication, his clean antecedent and his custody since 25.02.2022, this Court is inclined to allow the petitioner's prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. IVth,



Muzaffarpur, West in Saraiya (Jaitpur O.P) P.S. Case No. 124 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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