

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58133 of 2023**

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

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Ganesh Hari Son Of Sanjay Hari @ Sanjay Sweeper @ Sanjay Super Village-
Islamnagar Ps- Ishakchak Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-09-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner has prayed for regular bail in a
case registered for the offence punishable under sections 302
and 34 of the Indian Penal Code.

3. As per 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.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on suspicion. The petitioner is not named in FIR rather his name came into light in this case on the basis of confessional statement of co-accused person, namely, Saurabh Kumar before the police which has got no evidentiary value in the eye of law. Nothing consistent material has come against the petitioner to implicate in the alleged offence. There is no eye witness of the alleged occurrence. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 02.11.2022. Similarly situated other co-accused person has already been granted bail by the different co-ordinate Bench of this Court vide order dated 25.08.2023. in Cr. Misc. No. 53543 of 2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kotwali (Barari) P.S.



Case No. 1006 of 2022 on furnishing bail bond of Rs.10,000/-
(ten thousand) with two sureties of the like amount each to the
satisfaction of learned 15th Additional Sessions Judge,
Bhagalpur.

(Sunil Kumar Panwar, J)

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