

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56050 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- BENIPATTI District- Madhubani

ANUJ KUMAR Son of Asheshwar Mahto Resident of Khanwan Tol ,
Tisyahi , P.S- Benipatti, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.A.K. Thakur, Adv.
		Mr.Ravindra Kumar Singh
For the Opposite Party/s	:	Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 10-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The instant application for regular bail has been
filed by the petitioner instituted for the offence punishable
under Sections 363, 365 and 120(B) of the Indian Penal
Code.

3. As per allegation in the FIR, brother of the infor-
mant was missing from his clinic and his mobiles were found to
be switched off since then. It is a case of kidnapping and there-
after commission of murder of the informant's brother. His dead
body was found in burnt condition.

4. It is submitted by learned counsel for the petitioner
that he has been falsely implicated in this case. Petitioner is the



organizer of Anurag Health Care Center and deceased had Thyrocare Center Clinic situated at Lohiya Chowk Benipatti, and there was no any kind of dispute was between them. During investigation, co-accused Purnkala Devi was interrogated and in her confessional statement that she was in love with the deceased and on the alleged date of occurrence, she had established physical relation with him inside his clinic. She further disclosed that when she was going out, she saw five co-accused persons took away the deceased and she has not stated about the petitioner. On suspicion, petitioner was arrested and thereafter police took his signature on plain paper and the same was manufactured as his self-confessional statement, which has no evidentiary value in the eye of law. There is no circumstantial or direct evidence against the petitioner to show his involvement in the present case.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that para 321 of the case diary suggests that confessional statement leading to recovery of arms used in the crime.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named



petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Benipatti in connection with Benipatti PS Case No. 243 of 2021.

(Sunil Kumar Panwar, J)

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