

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59951 of 2023

Arising Out of PS. Case No.-375 Year-2019 Thana- DIGHA District- Patna

Ashish Kumar Son Of Surendra Sao @ Surendra Prasad R/O Vill - Ramjee
Chak, P.S. - Digha, Distt. - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-10-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under
Sections 302, 120(B)/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case as per F.I.R is that the
husband of the informant was killed and on information,
she reached at the shop of the deceased and found her
husband dead and staff of the informant one Ramu
disclosed the name of the petitioner and other accused
persons as assailants.



It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. There is no consistent material evidence against the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. There is no eye witness to the occurrence. The postmortem report does not corroborate the case of the prosecution. The petitioner is languishing in custody since 05.12.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Moreover, other similarly situated co-accused has been granted privilege of bail by a coordinate Bench of this Court vide order dated 05.02.2020 passed in Cr. Misc. No. 63450 of 2019.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be



released on bail on furnishing bail bonds of Rs. 10,000/-
(Ten Thousands) with two sureties of the like amount
each to the satisfaction of learned Additional Chief
Judicial Magistrate-XIII, Patna in connection with Digha
P.S. Case No. 375 of 2019.

(Sunil Kumar Panwar, J)

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