

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60232 of 2023

Arising Out of PS. Case No.-376 Year-2021 Thana- NAUGACHIA District- Bhagalpur

Raj Malhotra Son Of Tarkeshwar Azad Resident Of Village -NATHNAGAR
Bhadurpur (Near Hanuman Mandir), P.S.- Nathnagar, Distt- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Naugachia P.S. Case No. 376 of 2021 registered for the offences punishable under Sections 302, 328, 307, 379, 201 / 34 of the Indian Penal Code.

3. As per prosecution case, with a view to grab the land in question, petitioner committed murder of the brother of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case only on suspicion. There is no eye witness of the occurrence. No tangible evidence has been collected during the course of investigation to show the complicity of the petitioner



in the aforesaid crime. No such occurrence, as alleged in the FIR, has ever taken place. Petitioner has no criminal antecedent. Similarly, situated co-accused persons have been granted bail by co-ordinate Bench of this Court in Cr. Misc. No. 19435 of 2022 vide order dated 18.10.2022.

5. Learned APP opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court where the case is pending in connection with Naugachia P.S. Case No. 376 of 2021, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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