

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61343 of 2023

Arising Out of PS. Case No.-485 Year-2023 Thana- NATHNAGAR District- Bhagalpur

ASHU KUMAR son of Ajit Singh Village- Rampur Khurda PS Thana-
Madhusudanpur Nathnagar Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshuman Singh, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

2. The petitioner apprehends his arrest in
connection with Nathnagar (Madhusudanpur) P.S.
Case No. 485 of 2023, registered for the offences
punishable under Sections 302/34 of the Indian
Penal Code.

3. The allegation is regarding the husband
of the informant having gone out in search of a job
on 12.06.2023 at around 6:00 P.M. in the evening,
however, when he did not come back in the night,
search was made and in the morning of
13.06.2023 his dead body was found lying near
Chakdar Bahiyar, Rampur. It is alleged that the FIR



named accused persons are involved in the killing of the husband of the informant.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one another case but he is on bail in the said case. The learned counsel for the petitioner has also submitted that the petitioner has neither been named in the FIR nor there is any evidence so as to connect the petitioner with the alleged occurrence and the only basis on which he has been subsequently implicated in the present case is that he is stated to have had a conversation with the co-accused person, namely, Vivek Kumar on telephone. Thus, it is submitted that the petitioner be granted the privilege of bail.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner has not been named in the FIR and moreover, a bare perusal of the FIR and the impugned order dated 01.08.2023 would show that prima facie there is no evidence, whatsoever, qua the petitioner, so as to connect him with the alleged occurrence, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Session Judge, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 485 of 2023,



subject to the conditions as stipulated under
Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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