

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60599 of 2023

Arising Out of PS. Case No.-1084 Year-2019 Thana- ARA NAWADA District- Bhojpur

Atul Bihari Pandey @ Atul Pandey @ Nikhil Pandey Son Of Jitender Pandey
Resident Of Village - Semariya, P.S. - Ara Muffasil, District - Bhojpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-09-2023 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, 34 of the Indian Penal Code and Section 27 of Arms Act.

3. As per prosecution case, the informant alleged that his uncle Harendra Singh was shot dead by some unknown miscreants while he was returning his home on the alleged date of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the FIR rather he was arrested on the basis of suspicion and his confession was recorded. The confession before police is inadmissible in the eye of law. No



any eye witness of the alleged occurrence. No any consistent material has come against the petitioner during investigation. Moreover, similarly situated co-accused namely, Bhanjan Singh has already been granted bail by a co-ordinate Bench of this Court vide order dt. 10.3.2021 passed in Cr. Misc. No. 35996 of 2020 and in support of this Annexure-2 has been annexed with this petition. It is further submitted that the petitioner is languishing in judicial custody since 16.1.2023.

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 him on bail. The above named petitioner is directed to be released on bail in connection with Ara Nawada P.S. Case No. 1084 of 2019 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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