

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64497 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- MALSALAMI District- Patna

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GULSHAN KUMAR S/o Vinod Paswan R/o Humad Gali, P.S.- Chauk, Distt-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nageshwar Singh
For the Opposite Party/s : Mr. Anant Kumar 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 149, 302/120(b) of the Indian Penal Code.

As per prosecution story, the informant has alleged that his son Vikash Kumar was seen by one Raja Kumar to be going with the accused persons including the petitioner herein and later his dead body was found.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that it is a case of last seen where on the basis of statement of one Raja Kumar that he saw the deceased with FIR named accused



persons including the petitioner after that the informant alleged their role. The entire allegation against the petitioner hinges around suspicion. There is no specific overt-act against this petitioner. Similarly situated co-accused Shankar Chaudhary has already been granted bail by a co-ordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 54792 of 2022. Moreover, the petitioner is languishing in judicial custody since 13.3.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

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 released on bail in connection with Malsalami P.S. Case No. 138 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV, Patna City, Patna.

(Sunil Kumar Panwar, J)

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