

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63935 of 2023

Arising Out of PS. Case No.-76 Year-2022 Thana- IMAMGANJ District- Gaya

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NARESH DAS son of Arjun Das Village- Sangrampur Ps- Imamganj Dist-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-12-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Imamganj P.S. Case No.
76 of 2022 registered under sections 302 and 34 of the Indian
Penal Code.

3. As per prosecution case, the informant states that
her son who was mentally unstable was murdered by unknown
accused persons.

4. Learned counsel for the petitioner submits that the
F.I.R was registered against unknown. The name of the
petitioner transpired in course of investigation and the statement
under section 164 Cr.P.C of the informant herself. Although the
F.I.R was registered on 20.5.2022 and the statement under
section 164 Cr.P.C recorded much later on 16.6.2022, in her



statement under section 164 Cr.P.C, the informant claimed to be an eye witness to the occurrence. The allegations against the petitioner and others even in the section 164 Cr.P.C statement are general and omnibus in nature. The petitioner is in custody since 13.5.2023 and chargesheet has been submitted in this case.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the contents of the F.I.R wherein the informant does not name any accused person inspite of claiming to be an eye witness in her statement later under section 164 Cr.P.C. together with the allegations even as per the statement under section 164 Cr.P.C being general and omnibus in nature, the petitioner being in custody since 30.5.2023 and charge sheet having been submitted in this case, the petitioner is directed to be enlarged on bail in connection with Imamganj P.S. Case No. 76 of 2022, on furnishing bail bond of Rs. 10,000- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Sherghati, Gaya.

(Partha Sarthy, J)

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