

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1199 of 2022

Arising Out of PS. Case No.-33 Year-2021 Thana- KALYANPUR District- Samastipur

Md. Anwar S/o Jiya Uddin Khan R/o village- Govindpur Khajuri, P.S.-
Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Ms. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 10-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Kalyanpur P.S. Case No.33 of 2021, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution story as emerges from the FIR is that on 07.02.2021 at mid night the informant got information that Dhananjay Kumar has been killed and his body is hanging on a peepal tree in the courtyard of Middle School, Khajuri. It is alleged that the petitioner is also involved in the murder of Dhananjay Kumar Thakur.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that co-accused, namely, Anjali Soni Thakur has already been enlarged on bail by the co-ordinate Bench of this Court vide order dated 24.03.2022, passed in Cr. Misc. No. 42367 of 2021. He also submits that the whole case against the accused-petitioner is based on suspicion.

He further submits that the petitioner has been languishing in jail since 06.10.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail, on his furnishing bail bonds



in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. C.J.M, Samastipur in connection with Kalyanpur P.S. Case No.33 of 2021, **after framing of charge, if already not framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has



concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

chandan/-

U		T	
---	--	---	--

