

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66456 of 2023

Arising Out of PS. Case No.-139 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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MADHUWAN KUMAR @ MADHUVAN KUMAR, S/O VIMAL RAY @
BIMAL RAY, R/O VILLAGE- CHANDAULI, PS- TAJPUR (WAINY O.P.)
DISTRICT-SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Samastipur Muffasil P.S. Case no. 139 of 2022, registered under sections 302, 201, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that there was an altercation between his brother and one Ravi Kumar on which the accused had threatened his brother. It is stated that thereafter Aman Kumar and Abhishek Kumar took the informant's brother with them and subsequently his dead body was found with gun-shot injuries.

4. Learned counsel for the petitioner submits that the petitioner has not been named in the F.I.R. He was falsely implicated in course of investigation when allegedly his name



was taken by co-accused Aman Kumar in his confessional statement before police. The said Aman Kumar has been enlarged on bail vide order dated 15.2.2023 passed in Cr. Misc. no. 41263 of 2022. The petitioner is in custody since 5.7.2023 and charge-sheet has been submitted in the 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 material that has transpired in course of investigation, grant of bail to co-accused Aman Kumar on whose confessional statement the name of the petitioner transpired, the petitioner having remained in custody since 5.7.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Samastipur Muffasil P.S. Case no. 139 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 Additional Chief Judicial Magistrate-II, Samastipur.

(Partha Sarthy, J)

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