

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68700 of 2023

Arising Out of PS. Case No.-352 Year-2018 Thana- SUGAULI District- East Champaran

Kamlesh Giri S/O Nathuni Giri R/O Village- Sohanpura, P.S- Pipra, Distt.-
East Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 19-10-2023 Heard learned counsel for the petitioner and the State.
2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 302/201/34 of the Indian Penal Code.
3. As per the prosecution case, informant received information that dead body of an unknown lady is lying on the flank of the road. Accordingly, FIR was lodged against unknown.
4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He is not named in the FIR and his name has come in this case during course of investigation on the basis of confessional statement of co-accused Md. Sajjad which was recorded in Town Police Station Case No. 626 of 2018. For the same occurrence, another case vide Motihari Town Police Station Case No. 626 of 2018 was also lodged in which this petitioner was one of the co-accused and he has already been allowed pre-arrest bail by a different bench of this Court vide annexure 2. Learned counsel submits that save and except confessional statement, there is no other direct or indirect evidence against the petitioner to show his complicity in the occurrence.
5. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, East Champaran in Sugauli Police Station Case No. 352 of 2018, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as following conditions:-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Prabhat Kumar Singh, J)

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