

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67309 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- PIRI BAZAR District- Lakhisarai

AJIT KUMAR Son of Late Bindeshwari Ray Resident of Village- Phulkiya,
P.S.- Bariarpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

At the outset, learned counsel for the petitioner
submitted that inadvertently, surname of father of the petitioner
in cause title of the bail petition, has been wrongly typed as
‘Late Bindeshwari Ram’ instead of ‘Late Bindeshwari Ray’.

Accordingly, learned counsel for the petitioner is
permitted to make necessary correction, during the course of the
day itself.

The petitioner seeks bail in connection with Piri Bazar
P.S. Case No. 123 of 2022 registered for the offence under
Sections 363/34, 364, 302, 201/120(B) of the Indian Penal



Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 30.08.2022.

The allegation against the petitioner is to commit murder of son of the informant, along with other co-accused persons, after calling him to a birthday party.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR, where name of the petitioner surfaced, during the course of investigation, on the basis of confessional statement of co-accused, namely, Rajesh Kumar. It is submitted that the thrust of allegation is available against named co-accused, namely, Rajesh Kumar. It is submitted that the mobile from which message was sent to the deceased to join the birthday party not belongs to the petitioner, rather same is registered in the name of family members of the main co-accused, Rajesh Kumar. It is further submitted that land dispute is also one of the reason of false implication of the petitioner. It is also submitted that nothing incriminating surfaced, during the course of investigation, which may suggest that petitioner is one of the conspirator. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete,



for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above and by taking note of nature of allegation, where nothing incriminating surfaced/recovered, during the course of investigation, to connect the petitioner, *prima facie*, with the present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Piri Bazar P.S. Case No. 123 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 learned Chief Judicial Magistrate, Lakhisarai/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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