

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2667 of 2023

Arising Out of PS. Case No.-93 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

ANAND KUMAR S/o Sri Surendar Sharma R/v- Bara, P.S.- Bhabua,
District- Kaimur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the Opposite Party/s	:	Mr. Parmanand Prasad, APP
For the Informant	:	Mr. Binay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-06-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Bhabua P.S. Case No.93 of 2022 registered for the offence under Sections 302/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 24.02.2022.

The allegation against the petitioner is to commit murder of nephew of informant along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated falsely with present case, where, informant is not eye-witness of the occurrence. It is



submitted that merely on the ground of suspicion, as petitioner alleged to be found 'last seen' with deceased, he was implicated with present case. It is submitted as per narration of FIR, the deceased was seen last at about 12:30 PM with petitioner but the report of postmortem, which was conducted on the same very day about 09:30 PM, is suggesting that death took place prior to 12 to 14 hours, suggesting that occurrence took place much before 'last seen', as alleged through FIR. While concluding the argument, it is pointed out that petitioner is a man of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, Mr. Binay Kumar, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except 'last seen', nothing survives against this petitioner to connect this petitioner, *prima facie*, with the alleged crime coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 24.02.2022, let the petitioner, above named, is directed to be released on bail in connection with Bhabua P.S. Case No.93 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, Bhabua/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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