

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.174 of 2023

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

Abhishek Kumar @ Badsah S/O Ram Lalit Ray @ Tuntun Ray R/V-
Bishanpur Birauli, P.S.- Pusa, District- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav
For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application
for grant of regular bail in a case registered for the
offences punishable under Sections 302, 201, 120(B)/34
of the Indian Penal Code and Section 27 of Arms Act.

As per allegation in the FIR, petitioner along
with co-accused persons killed the brother of the
informant and threw his body near Tajpur Ratanpur
Chaur.

It is submitted by learned counsel for the



petitioner that the petitioner is innocent and he has falsely been implicated in the present case. There is no eye witness of the alleged offence. Nothing incriminating has been recovered from the possession of the petitioner. Aman kumar in his confessional statement has stated about the complicity of petitioner in the alleged offence, which has no evidentiary value in the eye of law. It is also submitted that petitioner has no concern with co-accused Aman Kumar and Ravi Kumar. Moreover, the petitioner has suo-moto surrendered on 03.09.2022 and since then he is languishing in judicial custody since. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated co-accused persons have been granted bail by the co-ordinate Bench of this Court.

Learned APP appearing for the State has vehemently opposed the prayer for Bail and submitted that two gun shot injury were found on the body of deceased and with these injury, the deceased has died.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named 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 2, Samastipur.

(Sunil Kumar Panwar, J)

nirajkrs/-

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

