

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70778 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- PHULWARISHARIF District- Patna

RAKESH KUMAR @ RAKESH KUMAR MAHTO @ PAPPU S/o Upendra
Singh R/o- Karorichak P.S.- Beur in the district of patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 302, 120(B)/34 of the Indian Penal Code.

As per the prosecution case, on 15.01.2022 the informant got information that his son has been shot dead. It is further alleged that five years ago his son had purchased a house from Manoj Kumar who died and after that co-accused Rani Devi was residing in the house but she was neither giving the rent nor vacating the house and she demanded Rs. One crore from the informant and also threatened his son. The informant suspects that all the FIR named accused persons committed the murder of his son.

Learned counsel appearing for the petitioner submits



that petitioner is not named in the FIR. The name of petitioner has figured in this case during the course of investigation in the confessional statement of co-accused, Chandan Kumar who disclosed that this petitioner was also involved in the occurrence and save and except confessional statement of co-accused, there is no material against this petitioner to show his complicity in the aforesaid crime. Petitioner has got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall 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 Additional Chief Judicial Magistrate-IX, Patna in connection with Phulwarisharif PS case No. 35/ 2022, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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