

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76965 of 2023

Arising Out of PS. Case No.-309 Year-2021 Thana- KANTI District- Muzaffarpur

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Mohammad Salam @ Lalbabu Ansari Son of Bhola Mian @ Bhola Mian
Ansari @ Bhola Ansari, Village- Raghapur Ps -Minapur District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-12-2023 At the outset, it is submitted by learned counsel for the petitioner that due to inadvertence, the name of the petitioner and his father's name has been wrongly typed in the petitioner array, hence a supplementary affidavit has been filed by referring to the statement made in para-3 and the name of the petitioner and his father's name may be read as mentioned in the above said para.

2. In view thereof, permission is granted to make necessary corrections in this petition.



3. Heard learned counsel for the petitioner and learned APP for the State.

4. The petitioner has prayed for regular bail in a case instituted for the offence under Sections 363, 365 and 34 of the Indian Penal Code and later on requisition has been filed for adding Sections 364, 302, 201, 120B/34 of the IPC.

5. The allegation against the petitioner along with others is of abducting and killing the brother of the informant after calling him from home.

6. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. There has been delay of about two months in lodging the FIR. The deceased died an accidental death which is evident from U.D. Case, inquest report and postmortem. He submitted that a dead body was found on the railway track near ghunti no. 106 in between Kms 4/7 and 4/8 near Sitamarhi gumti and said dead body was brought at Rail Police Station, Muzaffarpur and in this regard Chowkidar Pati Paswan registered a U.D. Case bearing Kanti P.S. (U.D.) Case No. 02/2021 dated 07.03.2021. He further submitted that inquest was also prepared where cause of death has been mentioned as death due to fall from unknown train. The dead body was in



dilapidated condition. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 19.07.2023.

7. The application for bail is opposed by learned APP for the State.

8. Having heard learned counsel for the parties and considering 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 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned C.J.M.-06, 1st Class, Muzaffarpur in connection with Kanti P.S. Case No. 309 of 2021.

(Sunil Kumar Panwar, J)

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