

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80012 of 2023

Arising Out of PS. Case No.-1006 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

Abhishekh Kumar Son of Sri Murari Singh Village Laluchak (Bhatha) Police
Station Isakchak District Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kotwali (Barari) P.S. Case No. 1006/2022 registered for the
offences punishable under Section 302/34 of the Indian Penal
Code.

3. As per prosecution case, on secret information, the
informant alongwith the police personnel went to the place of
occurrence and found that one dead body of unknown person
was lying in the field situated at Kohri Medical Quarter.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not named in the FIR and the name of



present petitioner transpired in this case on the basis of confessional statement of co-accused Saurva Kumar. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner is languishing in custody since 02.11.2022 and bears no criminal antecedent. He further submits that during course of investigation, no incriminating article has been recovered from the conscious possession of the petitioner. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar and identical allegation co-accused Ganesh Hari and Sagar Kumar @ Chinshu have already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.58133/2023 and Cr. Misc. No.69810/2023 respectively and on the principle of parity and the petitioner also deserves same treatment.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused persons have already been granted bail and keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into



consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 15th Additional Sessions Judge, Bhagalpur in connection with S.T. No.394/2023 arising out of Kotwali (Barari) P.S. Case No. 1006/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

amitkumar/-

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

