

Arising Out of PS. Case No.-528 Year-2023 Thana- KHAJEKALA District- Patna

... .. Petitioner/s

Versus

... .. Opposite Party/s

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| For the Petitioner/s     | : | Mr. Arvind Kumar Pradhan, Advocate |
| For the Opposite Party/s | : | Ms. Renu Kumari, APP               |
| For the Informant        | : | Mr. Anirudh Kumar, Advocate        |

## ORAL ORDER

2. The petitioner seeks bail in connection with an P.S. Case No.528 of 2023 registered for the offence sections 302/34 of the Indian Penal Code.

3. Allegation against the petitioner along with other co-accused persons is to have committed murder of brother of the informant by chopping neck with a sharp-edged weapon.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is submitted that the informant



is eye-witness to the occurrence, where, he has seen all the four accused persons in running condition and no whispering about any arms and also there is no recovery of any arm either place of occurrence or from possession of any of the accused persons. It is submitted that no specific allegation as regard to coming murder has been levelled against this petitioner and nothing incriminating has been recovered during course of investigation against this petitioner, which may connect him with the present set of murder. It is submitted that similarly situated co-accused person has already been granted bail by this Court through Cr. Misc. No.38243 of 2024 on 01.08.2024. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 09.12.2023.

5. Learned APP appearing for the State as well as learned counsel for the informant, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner and as it appears from perusal of FIR as well as impugned order that the informant seen all the accused persons in running condition near Khatal side and no whispering of use of arm and also there is no recovery of any arm from the place of occurrence as well as



from possession of this petitioner or any other co-accused persons and as it appears from postmortem report that cause of death of the deceased is due to haemorrhage and shock by means of sharp cutting weapon and as similarly situated co-accused, namely, Jitu Kumar has already been granted bail by this Court although during course of investigation two witnesses stating about the involvement of said Jitu Kumar after three days of occurrence and said witnesses are near relative of deceased, let the petitioner, above named, is directed to be released on bail in connection with Khajekalan P.S. Case No.528 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Patna City.

**(Ramesh Chand Malviya, J)**

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