

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Pradhan, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Anirudh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 27-09-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Khajekalan P.S. Case No.528 of 2023 registered for the offence under 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 have already been granted bail by this Court through Cr. Misc. No.38243 of 2024 on 01.08.2024 and Cr. Misc. No.31022 of 2024 on 09.08.2024. 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 persons, namely, Jitu Kumar and Babloo Kumar @ Bablu have already been granted bail by this Court, 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, 1st Class, Patna City.

(Ramesh Chand Malviya, J)

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