

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43944 of 2024

Arising Out of PS. Case No.-989 Year-2022 Thana- AGAMKUAN District- Patna

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Anubhav Kumar @ Kanjhapa, Male, age 24 years, S/o Umesh Prasad, R/o vill
- Math Laxmanpur, Koiri Tola, P.S. - Alamganj, Distt. - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rudra Deo, Advocate

For the Opposite Party : Mr. Nawal Kishore Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 27-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in Sessions Trial No. 405
of 2024, arising out of Agamkuan P.S. Case No. 989 of 2022
dated 16.12.2022 registered for the offences punishable under
Sections 302, 120B of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 16.12.2022 at about
3.00 A.M., in the morning, the brother of the informant, namely,
Mukesh Kumar @ Sunny, left the home to bring sand from
Khemnichak. At about 10.30 A.M., the informant received a
telephonic message that his brother, namely, Mukesh Kumar,
was lying down near Kumharar R.O.B. near the railway track.
On this information, the informant reached there and saw that



some unknown persons shot his brother dead. Thereafter, the police took his brother to N.M.C.H., Patna, for postmortem.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. His name has come in the present case on the basis of his self confessional statement as well as the confessional statement of the co-accused as mentioned in paragraph no. 65 of the case diary which has got no evidentiary value in the eye of law. No incriminating article has been recovered from the possession of the petitioner. No T.I. Parade has been held till date to ascertain the real culprit of the alleged offence. There is no specific allegation against the petitioner. It is further submitted that only on the basis of suspicion, the petitioner has been remanded in the present case from Alamganj P.S. Case No. 177 of 2023 on 07.10.2023. Charge sheet has been submitted against the petitioner in the present case without any legal evidence. The petitioner has thirteen criminal antecedents which are not related to the case of murder and in eight cases, he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 07.10.2023.

5. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Patna City, Patna in Sessions Trial No. 405 of 2024, arising out of Agamkuan P.S. Case No. 989 of 2022 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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