

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54626 of 2024

Arising Out of PS. Case No.-149 Year-2022 Thana- JAKKANPUR District- Patna

Abhishek Kumar, son of Jitendra Kumar @ Jitendra Prasad, Resident of
Postal Park, Road No. 3-A, P.S.- Jakkanpur, Dist- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Jakkanpur P.S. Case No.149 of 2022 registered for the

offences under Sections 302 and 201 of the Indian Penal

Code and Section 27 of the Arms Act.

3. The accused/petitioner is not named in the FIR

and is in custody since 19.05.2022.

4. The allegation against the petitioner is to

commit murder of son of informant along with other co-

accused persons.

5. Learned counsel appearing on behalf of the

petitioner submitted that the name of petitioner surfaced



during the course of investigation on the basis of his self-confessional statement, in furtherance of which, no incriminating material recovered/surfaced, which may connect this petitioner with the present occurrence of murder. It is submitted that even as per postmortem report, the cause of death was ascertained as *asphyxia* resulting from *antemortem* ligature strangulation. Injury No.1 as mentioned in postmortem report was also bruise injury, whereas Injury No.2 was laceration. It is submitted that it is opined by doctor that injury no. 1 and 2 was caused by blunt object but, hammer and blood-stained bed-sheet as alleged to be recovered from the rented house of the petitioner as per seizure list was never tested from any forensic science laboratory as to ascertain that same was used as weapon. It is submitted that with same set of allegation, co-accused, namely, Monu Kumar has already been granted bail by one of the learned co-ordinate Bench of this Court vide order dated 28.06.2024 passed in Cr. Misc. No.35780 of 2024 considering the deposition of informant during the trial. It is submitted that the petitioner found involved in one more



criminal case related with Excise case, where he is on bail.

6. Learned APP opposed the prayer for bail of the petitioner.

7. In view of aforesaid factual submission and by taking note of fact as the only recovered material is hammer and blood-stained bed-sheet from rented house, which *prima facie* not appears to connect the petitioner with crime in question in want of any forensic examination report, coupled with the fact that co-accused persons are on bail, where petitioner also remains in custody since 19.05.2022, accordingly, the petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI, Patna in connection with Session Trial No.1271 of 2022 arising out of Jakkanpur P.S. Case No.149 of 2022 subject to the conditions as laid down under Section 437(3) of the CrPC/Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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

