

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61986 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- Bhawanipur District- Bhagalpur

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Avinash Kumar @ Avinash Mandal S/o Vijo Mandal @ Vijay Mandal R/o
Village- Nagarpara, Police Station- Bhawanipur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Kumar, Advocate Mr. Rajesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Mohammad Sufyan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code.

3. As per prosecution case, on 13.04.2024 at about 9 PM, informant received an information that her husband has been murdered. When informant went to the place of occurrence, she found the dead body of her husband lying at the door step of one Thothan Mandal. Informant suspects that all the F.I.R. named accused persons killed her husband with intention to grab the money.

4. Learned counsel for the petitioner submits that



from perusal of the F.I.R. it is evident that informant is not an eye witness of the occurrence and she has not disclosed in the F.I.R. as to how she came to know the names of all the persons who committed murder of her husband. During course of investigation, none of the witnesses have claimed to have seen the occurrence and except suspicion there is no other material to show complicity of this petitioner in the alleged offence. It is further submitted that similarly situated co-accused persons have already been granted anticipatory bail by this Hon'ble Court *vide* order dated 29.08.2024 passed in Cr. Misc. No. 45737 of 2024. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State vehemently opposed the bail application.

6. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Naugachia in connection with Bhawanipur P. S. Case No. 37 of 2024, subject to condition as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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