

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60414 of 2023

Arising Out of PS. Case No.-21 Year-2022 Thana- GANGTA District- Munger

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Fudan Kumar @ Nitish Kumar S/O Bipin Mandal @ Bipin Kumar Resident
Of Village- Khaira P.S- Haveli Kharagpur, District- Mumger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Sushmita Mishra, Advocate
		Mr. Surya Narayan Sah, Advocate
For the Opposite Party/s :		Ms. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

9 10-05-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Gangta P.S. Case No. 21 of 2022 dated 10.02.2022 registered
for the offence(s) punishable under Section(s) 341, 323, 302/34
of the Indian Penal Code.

3. Ms. Sushmita Mishra, learned counsel appearing
for the petitioner submits that the petitioner earlier preferred Cr.
Misc. No. 40728 of 2022 for the relief of regular bail which was
rejected by this bench vide order dated 20.02.2023 and
thereafter two similarly situated co-accused namely, Shailesh
Kumar and Raushan Kumar have been granted bail by co-
ordinate benches of this court vide orders dated 18.04.2023 and



16.02.2023 passed in Cr. Misc. No. 57863 of 2022 and Cr. Revision No. 57 of 2023 respectively and while rejecting the petitioner's earlier prayer this court took into account the recovery of incriminating materials such as rope from the house of this petitioner and till the passing of the earlier rejection order the FSL report was not received and the same has now been received after the direction given by this court which shows that no incriminating evidence such as blood stain or any other foreign particle on seized articles has been found and the petitioner himself surrendered before the police on 14.02.2022 and since then he has been languishing in jail. Learned counsel further submits that the petitioner has got no criminal antecedent and he is a young person.

4. Ms. Nirmala Kumari, learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly the incarceration period of the petitioner and the privilege of bail having been granted to above mentioned similarly situated two co-accused persons by co-ordinate benches of this court and also taking into account the FSL report in respect of the materials which are stated to have been seized from the house of this petitioner and the same is not against the petitioner, in my



opinion, the petitioner now deserves the privilege of bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Gangta P.S. Case No. 21 of 2022.

(Shailendra Singh, J)

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