

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76674 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- KADWA District- Katihar

Md. Johakali S/O Late Peshkar Ali R/O Village- Gethora, P.S- Kadwa, Distt.-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pandey

For the Opposite Party/s : Mr. Rita Verma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-01-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2.The petitioner has prayed for regular bail in a
case registered for the offence punishable under sections
302, 34 of the Indian Penal Code.

3. as per FIR, the allegation against the accused
persons is that they committed murder of the informant's
mother and her dead body was found at the back of her
house.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence. He
has falsely been implicated in this case merely on the basis
of suspicion. The petitioner is not named in FIR rather his



name came into light in this case on the basis of confessional statement of co-accused person, before the police which does get no evidentiary value in the eye of law. During investigation, nothing consistent material has found against the petitioner in respect of commission of this offence. There is no eye witness of the alleged occurrence and there is no specific allegation of murder levelled against the petitioner. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 19.01.2024 passed in Cr. Misc. No. 70056 of 2023. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 02.07.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kadwa



P.S. Case No. 136 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar.

(Sunil Kumar Panwar, J)

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