

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78622 of 2023

Arising Out of PS. Case No.-375 Year-2023 Thana- BARAUNI District- Begusarai

Md. Hasmat @ Tunna @ Hasmat Khan @ Tunna Khan S/O Md Hasim Khan
R/O Village- Deona, P.S- Barauni, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh
For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 24-01-2024 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

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

3. As per FIR, an unidentified dead body was found by the police.

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. The petitioner is not named in FIR rather his name came into light in this case on the basis of confessional statement of other co-accused person, namely, Barun Kumar@ Kanhaiya before the police which has got no evidentiary value in the eye of law. No any specific overt act of



commission of murder has been attributed against the petitioner only allegation as alleged against him is that he has having conspiracy in this case. Nothing consistent material has come against the petitioner. 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 05.08.2023.

5. Learned APP appearing for the state and learned counsel on behalf of the informant have 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 Barauni P.S. Case No. 375 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, Begusarai.

(Sunil Kumar Panwar, J)

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