

Arising Out of PS. Case No.-263 Year-2023 Thana- MADHAURAH District- Saran

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

2 31-01-2025 1. This is an application for bail filed on behalf of the
accused Abhishek Kumar @ Bholu Kumar @ Golu Kumar @
Bholu in connection with Marhowrah (Madhaura) P. S. Case
No. 263 of 2023, dated 17th of May, 2023, initially instituted for
the offences punishable under Section 363 of the Indian Penal
Code. Later on, Sections 302, 201 and 120 B of the Indian Penal
Code was also added.

2. It is submitted by the learned Advocate for the petitioner that the petitioner was not named in the F.I.R. He was arrested on the basis of statement made by one co-accused, namely, Kundan Kumar. The said Kundan Kumar has already released on bail. After arrest, no substantial evidence was found against the petitioner. No incriminating material was also



recovered from him. Therefore, he may be released on bail.

3. Learned APP has raised objections against the prayer for bail of the petitioner.

4. Having considered the submissions made by the learned counsels for the parties, it is ascertained that the petitioner was booked in connection with the above-mentioned case on the basis of statement made by the co-accused, while he was in custody. Prima facie, such statement implicating the petitioner is not admissible in evidence. Moreover, nothing has been recovered from the petitioner. The petitioner is in custody since 29th of July, 2024. Charge-sheet has already been filed in the instant case. Therefore, for the purpose of investigation, detention of the accused is not necessary.

5. For the reasons stated above, I am inclined to allow the instant Criminal Miscellaneous Application and release the accused on bail.

6. The petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 20,000 /- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah (Madhaura) P. S. Case No. 263 of 2023, subject to the condition



that one of the sureties shall be a local surety having landed property within the jurisdiction where the petitioner resides with further condition that the petitioner shall file an affidavit in the court below as well as before the Investigating Officer of the case stating his address, Aadhar Card No., Voter Card No. and Mobile Phone No. where he is available during the trial of the case. Violation of any of the conditions will automatically cancel the order of bail without any further reference to this Bench.

The petition stands allowed, accordingly.

(Bibek Chaudhuri, J)

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