

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88337 of 2024

Arising Out of PS. Case No.-825 Year-2023 Thana- ARA NAGAR District- Bhojpur

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Gabadua Chik @ Zakir Quraishi @ Gabdu Chik, S/O Moharam Quraishi @ Master Chik, Resident of Mohalla- Waliganj, Chik Toli, P.S.- Ara Town, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 09-04-2025 Heard Mr. Ravindra Kumar, learned counsel for the petitioner and Mr. Manoj Kumar, learned APP for the State.

2. The petitioner has prayed for bail in connection with Ara Nagar P.S. Case No.825 of 2023 registered for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code.

3. The case of the prosecution is that the petitioner along with one another Babunand Paswan has gone with the brother of the informant, namely, Tatan Kumar on 04.10.2023. When the brother of the informant did not return, he enquired about him. On that day, the petitioner was not found then he asked Babunand Paswan. Babunand Paswan took him near the bank of a river where the dead body of Tatan was recovered.



4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. The only allegation against the petitioner is that he accompanying the deceased on 04.10.2023. It has further been submitted that in this case, the dead body of the deceased was recovered on 06.10.2023 on the statement of co-accused Babunand Paswan. The post mortem of the deceased was conducted and from perusal of the post mortem report, it will transpire that the doctor has opined that the time elapsed since death is 6 to 12 hours. The petitioner was last seen with the deceased on 04.10.2023 and the dead body was recovered on 06.10.2023. According to doctor, the death was 6 to 12 hours ago from the time of post mortem. It has also been submitted that there is a big gap from the time when the deceased was seen with petitioner and the time when the body was recovered. From perusal of the post mortem report, it will transpire that antemortem injuries which are found on the person of the deceased are three abrasions and the board was not confirmed about the cause of death that is why the opinion regarding cause of death is reserved till chemical examination of viscera. Petitioner is languishing in judicial custody since



03.12.2023.

5. The application for bail is opposed by learned APP for the State and submitted that in this case, the bail of the co-accused Babunand Paswan has been rejected by the learned Co-ordinate Bench and the case of this petitioner is of similar footing.

6. But from perusal of the materials on record, it transpires that the case of this petitioner is not of similar footing. The dead body was recovered on the statement of co-accused Babunand Paswan. No recovery has been made on the statement of this petitioner.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur in connection with Ara Nagar P.S. Case No. 825 of 2023.

(Ashok Kumar Pandey, J)

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