

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80397 of 2018

Arising Out of PS. Case No.-376 Year-2017 Thana- PHULWARISHARIF District- Patna

Rupesh Kumar, Son of Rambabu Sharma, Resident of Chhoti TAngraila P.S.
Naubatpur District Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Patanjali Rishi, Advocate.

For the Opposite Party : Mr. Tarkeshwar Nath Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 22-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
18.01.2018 in a case for the offence registered under Sections
302, 120(B)/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the husband of
the informant had gone on 21.06.17 at 7.30 A.M. to collect the
money from Rupesh Kumar (petitioner). On quarry, her husband
had informed her that he had given loan to Rupesh Kumar and
now he is calling him to return the money. After that her
husband had gone on his Motorcycle but had not came back to
the house. At 10.00 A.M. informant had received information
that her husband Dheeraj Kumar had been shot dead. She
suspects that Rupesh and Deepak alongwith 2-3 other persons



regarding the murder of her husband. Her father-in-law Uma Shankar Sharma had informed her that one day prior to occurrence, Rupesh Kumar, his brother-in-law and one unknown person were sitting near agricultural farm of the village and were stating that tomorrow work will certainly be done.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner had made call to the deceased. Merely on the basis of same, the informant has suspected the involvement of the petitioner in the present case. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge



XV-cum-Additional Chief Judicial Magistrate, Patna, in
connection with Phulwarisharif P.S. Case No. 376 of 2017.

U.K./- (Sudhir Singh, J)

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