

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54115 of 2021

Arising Out of PS. Case No.-45 Year-2021 Thana- NAGARNAUSA District- Nalanda

RAJU KUMAR Son of Baikunth Prasad Resident of Village - Nagma, P.s.-
Nagarnousa, Dist.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54318 of 2021

Arising Out of PS. Case No.-45 Year-2021 Thana- NAGARNAUSA District- Nalanda

SHYAM PRASAD Son of Late Debjee Prasad Resident of Village -
Rukunpur, P.S.- Fatuha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54115 of 2021)

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 54318 of 2021)

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-05-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for
grant of regular bail in a case registered under sections 302, 201
and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the
informant that he received information about his younger son



having been murdered. On going to the place of occurrence he saw the dead body of his younger son with injuries having been caused by sharp cutting weapon.

It is submitted by learned counsel for the petitioners that the FIR was registered against unknown. No legally admissible material has transpired in course of investigation to connect the petitioners with the alleged crime. The prosecution is mainly relying on the confessional statement of a co-accused Rekha Devi made before police, the petitioners being the brother and husband of the said Rekha Devi. A supplementary affidavit has been filed bringing on record the order dated 24.6.2021 passed in BP no. 274 of 2021 by the learned Addl. District and Sessions Judge IV, Hilsa, Nalanda granting bail to the aforesaid Rekha Devi. The petitioners are in custody since 4.4.2021 and have no criminal antecedent. The FIR was registered against unknown and there are no eye-witness to the occurrence.

The application for bail is opposed by learned APP for the State who submits that in paragraph no. 24 of the case diary the spy has taken the name of the two petitioners herein who happen to be the husband and brother of Rekha Devi.

Having heard learned counsel for the parties and



taking into consideration the material that has transpired in course of investigation, there being no eye-witness to the occurrence, the petitioners having remained in custody for 1 year and grant of bail to the above named co-accused Rekha Devi, the Court directs the two petitioners to be enlarged on bail in connection with Nagarnousa P.S. Case no. 45 of 2021 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M, Hilsa, District Nalanda.

(Partha Sarthy, J)

Prakash/-

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