

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46876 of 2022**

Arising Out of PS. Case No.-349 Year-2021 Thana- GAYA KOTWALI District- Gaya

RAHUL KUMAR S/o Ravi Prasad R/o village- Pahasi, P.S.- Kotwali,  
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      22-12-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Kotwali  
P.S. Case No. 349 of 2021 registered for the offence under  
Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 18.08.2021.

The allegation against the petitioner is to commit  
murder of the son of informant along with other co-accused  
persons, due to previous enmities.

Learned counsel appearing on behalf of the petitioner  
submitted that the informant is not the eye-witness of the



present occurrence, where, entire allegation is based upon suspicion, as deceased went outside home, out of her own sweet will along with the petitioner and one other friend, namely, Abhishek Kumar, through scooty. It is also submitted that even it is not a case of 'last seen' against this petitioner, as per the narration of the FIR. It is also submitted that no incriminating material surfaced/recovered, during course of investigation, which may suggest the involvement of this petitioner, *prima facie*, with the present set of occurrence/murder. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except suspicion, nothing incriminating material surfaced/recovered, during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of murder, where, informant is not the eye-witness of the occurrence coupled with the fact that charge-sheet has already



been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kotwali P.S. Case No. 349 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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