

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1027 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

Rakesh Kumar Son Of Ramgahan Chaudhary @ Ramgahan Mallah Resident
Of Village - Dahala, P.S.- Durgawati, Distt.- Kaimur (Bhabua).

... .. Appellant/s

Versus

1. The State of Bihar
2. Phuljhari Devi W/O Late Shyam Narayan Ram Resident Of Village - Dumri,
P.S.- Durgawati, Distt.- Kaimur (Bhabua).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kumar Sunil
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 16-03-2023 Heard learned counsel for the appellant and

learned Special P.P for the State. None appears on

behalf of the informant in spite of valid service of notice.

The appellant has challenged the order dated

18.01.2022 passed by learned Additional District Judge-

I-cum-Special Judge, Kaimur at Bhabua in connection

with Durgawati P.S. Case No. 253 of 2021 instituted for

the offences punishable under Sections 302, 201/34 of

the Indian Penal Code, whereby his prayer for being

released on bail has been rejected.

It is a case of commission of murder of the son



of the informant.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is not named in the F.I.R. The informant is not the eye witness to the occurrence and the entire allegation is based on suspicion. It is further submitted that mere recovery of knife on the identification of the appellant does not prove this fact that appellant was involved in the crime. Moreover, the said knife was not sent to the F.S.L for any scientific examination to connect the appellant with the present occurrence. The appellant is in custody since 19.11.2021. A statement has been made in para 3 of the petition that appellant has no criminal antecedent.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant and submitted that knife which was used in the crime was recovered from the pond at the instance of the appellant.



Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 18.01.2022 passed by learned Additional District Judge-I-cum-Special Judge, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 253 of 2021.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to 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 learned Additional District Judge-I-cum-Special Judge, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 253 of 2021.

(Sunil Kumar Panwar, J)

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