

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22951 of 2023**

Arising Out of PS. Case No.-456 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

1. Raushan Kumar Son of Nand Kishore Ram Resident of village-Rampur Jaypal, P.S.-Bochahan, Distt-Muzaffarpur
2. Raja Kumar Son of Nand Kishore Ram Resident of village-Rampur Jaypal, P.S.-Bochahan, Distt-Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      22-05-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. In the present case, the petitioners seek bail in connection with Bochahan P.S. Case No. 456 of 2022 registered on 01.11.2022 for the alleged offences under Sections 302 and 120(B) of the Indian Penal Code.

3. As per prosecution case, the nephew of the informant went missing and his dead body was recovered next day. Informant alleged that co-accused Anil Kumar gave a threatening about killing his nephew on account of his affair with the sister of co-accused Anil Kumar. The informant named the petitioner No. 1 and other co-accused persons for being



involved in the murder of his nephew. The name of the Petitioner No. 2 subsequently emerged as also being involved in the occurrence.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The nephew of the informant was having relationship with a number of girls of the locality and also with the sister of the co-accused Anil Ram who threatened him about dire consequences and motive for killing the nephew of the informant was only against co-accused. There was no motive to kill the nephew of the informant for the petitioners as they were not related to Anil Ram. Moreover from the FIR, it also appears that co-accused and the nephew of the informant were friends and they were seen together with Petitioner No.1 and other co-accused persons at Chatt Ghat, but, thereafter, there is no eye-witness to the alleged occurrence. Moreover, the dead body of the nephew of the informant was found in another village and it has come in the FIR that the co-accused indicated that the deceased was having affair with another girl in the said village. So, whatever material has come up it is against the co-accused and not against the petitioners. Further, similarly placed co-accused Mukesh Kumar has been granted bail by a Coordinate



Bench vide order dated 16.05.2023 passed in Cr. Misc. No. 17369 of 2023. Same Coordinate Bench also granted bail to co-accused Vishal Kumar vide order dated 03.05.2023 passed in Cr. Misc. No. 5960 of 2023. The petitioners are in custody since 07.11.2022 and 04.11.2022, respectively and they are having clean antecedent. Charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that Petitioner No. 1 was named in the FIR itself and the name of the Petitioner No. 2 transpired during investigation..

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of material against the petitioners and their clean antecedents and further considering their period of custody and submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Muzaffarpur(East)/court concerned in connection with Bochahan P.S. Case No. 456 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of



the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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