

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27399 of 2023

Arising Out of PS. Case No.-96 Year-2022 Thana- SINGHESHWAR District- Madhepura

1. Rupesh Kumar Yadav @ Rupesh Kumar S/O Arbind Yadav Resident Of Village- Kabiya Ward No.- 14, P.S.- Shankarpur, District- Madhepura.
2. Manish Kumar Yadav @ Manish Kumar S/O Kino Yadav Resident Of Village- Kabiya Ward No.- 14, P.S.- Shankarpur, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 05-06-2023 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Singheshwar P.S. Case No. 96 of 2022 lodged under Sections 307, 34 of the I.P.C. read with Section 27 of the Arms Act later on Sections 302, 120B of the I.P.C. has been added.

As per the prosecution case, the F.I.R. has been lodged against one accused person, name of petitioners are not present in the F.I.R.

Learned counsel for the petitioners submits that name of petitioners are nowhere mentioned in the F.I.R. rather their name have been figured in this case by virtue of confessional statement of one co-accused person, namely, Sanjeet Das.

Counsel further submits that from the rejection order,

it transpires that the victim has illicit relation with his *Bhabhi* and to due to which his own elder brother has committed the said crime with the help of others.

Counsel submits that petitioners were made accused only on the confessional statement of co-accused Sanjeet Das with whom the elder brother of the deceased was in contact. Counsel submits that there is one case pending against the petitioner and he is in custody since 04.01.2023.

Learned counsel for the State opposes the prayer for bail and submits that from the order of rejection, it transpires that the petitioners were in continuous contact with the said Sanjeet Das and therefore, involvement of the petitioners in the commission of the crime may not be ruled out.

Upon specific query whether charge has been framed or not. As per the knowledge of counsel, charge has not been framed till date.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners. Therefore, the bail application of the petitioners are hereby rejected but liberty is hereby granted to the petitioners that they may renew their prayer for bail after framing of charge.

Thereafter, the trial Court is directed to release the petitioners on bail imposing its own condition so that

petitioners may not evade their appearance during trial.

With this observation, the bail application stands
rejected.

(Dr. Anshuman, J.)

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