

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32170 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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RAJESH KUMAR S/o Ramjee Ram Resident of Village- Bankat, Pola
Bhitha, P.S.- Muffasi Motihari, District- East Chamapran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Thakur, Advocate
For the Opposite Party/s : Mrs. Sangeeta Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 30-01-2023 Heard the learned counsel for the

petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Muffasil P.S. Case No. 51 of 2022
registered for the offences punishable under
Sections 363 of the Indian Penal Code. Later on,
Sections 302, 201 and 120B of the Indian Penal
Code were added to the set of allegations.

The case of the prosecution, in brief,
according to the informant, is that her son Sonu
Kumar was missing since 27.12.2021 and could not
be traced despite efforts being made to search
for him. Subsequently, the dead body of the son of



the informant is stated to have been recovered and it has transpired that he had died on account of asphyxia as a result of pressure over his neck.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 11.02.2022. It is further submitted that there is no eyewitness to the alleged occurrence and the petitioner is having no complicity in the matter.

Per contra, the learned A.P.P. for the State as also the learned counsel appearing for the informant have vehemently opposed the prayer for bail and it has been submitted that the present case is a case of honour killing inasmuch as the son of the informant was having love affair with the daughter of Dharamlal Ram and that is why the accused persons including the petitioner herein hatched a conspiracy and killed the deceased son of the informant.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those available in the case diary, this Court finds that minuscule evidence is available on record so as to connect the petitioner with the alleged occurrence, apart from the fact that there is no eye witness to the alleged occurrence and the petitioner is languishing in custody since about one year, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Motihari in connection with Muffasil P.S. Case No. 51 of 2022.

(Mohit Kumar Shah, J)

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