

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34990 of 2023

Arising Out of PS. Case No.-1342 Year-2022 Thana- KHAGARIA District- Khagaria

RAJ KUMAR PRASAD @ TAKLA Son of Mushafir Prasad Resident of
Mohalla - Quarter No.- 19, Babu Jagatdal, P.S.- Jagdal, District - North - 24
Pargana, State - West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 302/34 of
the Indian Penal Code.

3. As per prosecution case, the informant got
information that some unknown criminals have committed
murder of her son and daughter-in-law, who were residing at
Malgodown Road, Khagaria. Thereafter, the informant went to
the place of occurrence and found the dead bodies of her son &
daughter-in-law.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The



petitioner is not named in the FIR rather he has falsely been implicated in this case on the basis of confession made by co-accused namely, Devmani Ray before the police which is inadmissible in the eye of law. No one is eye witness of the alleged occurrence. During course of investigation, no any consistent material has come on record which shows the involvement of the petitioner in the alleged offence. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition. Moreover, similarly situated co-accused namely, Ved Prakash has already been granted bail by a co-ordinate Bench of this Court vide order dt. 14.7.2023 passed in Cr. Misc. No. 41507 of 2023. It is further submitted that the petitioner is languishing in judicial custody since 10.1.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Khagaria P.S. Case No. 1342 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria subject to following conditions:

- (i) The petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on any date without sufficient reason, his bail bond shall be canceled by the Court below.
- (ii) one of the bailors should be local person.

Amandeep/-

(Sunil Kumar Panwar, J)

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