

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39003 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

RAHUL KUMAR Son of Gopal Prasad Resident of Village - Bhakura, P.s.-
Ara Muffasil, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rajani Ranjan Pd. Singh, Advocate
For the Opposite Party/s :	Ms.Indu Kumari Srivastava, APP
For the informant :	Mr. Raju Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 20-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with S.Tr. no.158 of 2022 (arising out of Ara (M)P.S. Case no. 34 of 2022) under sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that he works elsewhere in a private hospital. He received information that the dead body of his mother was lying in the *angan* of his house with an injury on her head.

4. It is submitted by learned counsel for the petitioner that the FIR was registered against unknown. The petitioner has been falsely implicated in the case in course of investigation on the ground that some altercation had occurred



between him and the deceased just before the occurrence. It is submitted that the prosecution is relying on a confessional statement of the petitioner which is inadmissible. There is no eye witness to the occurrence. The trial has commenced in the learned trial Court and the petitioner undertakes to cooperate in the same. The petitioner is in custody since 31.1.2022

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

6. Learned counsel for the informant submits that substantial material has transpired against the petitioner in course of investigation to show that it was as a result of an altercation which had taken place between him and the deceased mother of the informant that soon thereafter this occurrence was given effect to by this petitioner. It is further stated that various clothes with blood stains were recovered from the roof of the house and also sent for forensic examination. It is lastly submitted that once the petitioner is enlarged on bail he will not cooperate in the trial.

7. Learned APP for the State submits that so far as the FSL report is concerned, it concludes that the examination of the clothes recovered, has been inconclusive.

8. Having heard learned counsel for the parties and taking



into consideration the material that has transpired in course of investigation together with the FSL report, the trial having commenced in the learned trial Court and the petitioner having remained in custody for 1 year 10 months since 31.1.2022, the Court directs the petitioner to be enlarged on bail in connection with S.Tr. no.158 of 2022 (arising out of Ara (M)P.S. Case no. 34 of 2022) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-XVII, Bhojpur at Ara.

9. It is directed that the petitioner shall cooperate in the trial and shall remain physically present in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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