

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48948 of 2023

Arising Out of PS. Case No.-82 Year-2022 Thana- MORKAHI District- Khagaria

RAJEEV KUMAR Son of Pramod Yadav Resident of Village - Hathban, P.S.-
Alauli, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajit Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Section 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the informant alleged that
while he along with cousins were returning home in the
meantime, FIR named persons intercepted and fired on the head
of his brother due to which, he sustained injury. Thereafter, he
was taken to the hospital, where the doctor declared him dead.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner is not named in the FIR. The
name of the petitioner has come into light, on the basis of



confessional statement of other co-accused, which has got no evidentiary value in the eyes of law. No incriminating article has been recovered from the conscious possession of the petitioner. He further submitted that the other co-accused has already been granted bail by this Bench vide order dated 03.04.2023 passed in Cr. Misc. No. 2804 of 2023. He is languishing in judicial custody since 22.12.2022.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Morkahi P.S. Case No. 82 of 2022.

(Sunil Kumar Panwar, J)

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