

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50842 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- TEGHRHA District- Begusarai

1. RAKESH KUMAR @ RAKESH RAI @ CHHOTE RAI @ CHHOTE ROY
S/O RAMSHREST ROY @ RAMSRETH RAY @ RAMSRETH ROY R/O
VILLAGE- PIDHAULI, WARD NO. 01, P.S- TEGHRA, DISTT.-
BEGUSARAI.
2. MURARI KUMAR @ MURARI KUNWAR S/O AWADH KUNWAR @
AWADH KUMAR @ AWADH KISHORE KUNWAR R/O VILLAGE-
PIDHAULI, WARD NO. 01, P.S- TEGHRA, DISTT.- BEGUSARAI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a
case instituted for the offence under Sections 302/34 of the
Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms
Act.

3. As per prosecution case, when the informant, her
husband went outside towards road for urinal and she also went
along with her grandson for urinal behind her husband. It is
further alleged that in the meantime some unknown miscreants
came from a car and killed the husband of the informant.



4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. Petitioners are not named in the FIR and the same has been lodged against unknown persons. The name of the petitioners have come into light, on the basis of confessional statement of co-accused Dilkhush Kumar @ Nepo, which has got no evidentiary value in the eyes of law. During investigation, the police has searched his house and one country made pistol and one live cartridge recovered from the house of the co-accused Dilkhush Kumar @ Nepo. There is no consistent evidence and no eye-witness of the alleged occurrence to show that the petitioners have involved in the present case. No incriminating articles have been recovered from the conscious possession of these petitioners. They are languishing in judicial custody for about six months.

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 petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand



only) each with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Teghrha P.S. Case No. 76 of 2023.

(Sunil Kumar Panwar, J)

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