

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56599 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- BIHARIGANJ District- Madhepura

RAHUL KUMAR Son of Dayanand Yadav Resident of Village-Bhairopatty,
Police Sttaion-Bihariganj, District-Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

3. As per prosecution case, the informant stated that on the alleged date of occurrence, three miscreants came on a motorcycle and started firing indiscriminately upon the informant's father. On hearing the sound of firing, nearby people came and the injured informant's father was brought to a private clinic where doctor declared him dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The prosecution case lodged against unknown and the petitioner has falsely been implicated in this case on the basis of confessional



statement of other co-accused as well as the petitioner, which is inadmissible in the eye of law. No any consistent evidence has come against the petitioner. No one is stated to be seen the alleged occurrence. Similarly situated co-accused namely, Md. Naushad Alam has already been granted bail by a co-ordinate Bench of this Court vide order dt. 30.8.2023 passed in Cr. Misc. No. 55142 of 2023. Moreover, the petitioner is languishing in judicial custody since 14.4.2023.

5. Learned APP appearing for the state has 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 Bihariganj P.S. Case No. 68 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Udakishunganj, Madhepura.

(Sunil Kumar Panwar, J)

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