

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57092 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- JADIA District- Supaul

Rahul Kumar Son of Bhushan Sah Resident of Village- Kasaha, Ward No. 4,
P.S.- Tribeniganj, District- Supaul, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Nath Rai

For the Opposite Party/s : Mr. Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-04-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 302, 201,
120B/34 of the Indian Penal Code.

As per prosecution case, while the informant was on
patrolling duty he got information about a dead body lying
about 1 km east of Kupari Morh. Thereafter, the informant
along with Chaukidar went at the spot for verification and
found a dead body which was identified as Ashish Kumar. It is
further alleged that during investigation, the name of the
petitioner came into light.

Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named in FIR rather his name was sprang up in this case on the basis of confession made by co-accused namely, Bablu Kumar before the police, which is inadmissible in the eye of law. It is further submitted that there is no eye witness of the alleged offence and entire prosecution hinges around merely on the basis of suspicion. There is also no any consistent evidence against the petitioner which shows his complicity in respect of commission of this offence. It is further submitted that the petitioner is languishing in judicial custody since 8.5.2022.

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

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 Sessions Trial No. 248 of 2022 arising out of Jadia P.S. Case No. 92 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



Sessions Judge, Supaul.

(Sunil Kumar Panwar, J)

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