

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63265 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- BHAWANIPUR District- Purnia

Rupesh Kumar S/O- Bahadur Singh R/o- Bakhna Basa Ps- Alamnagar Dist-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

The prosecution case in nutshell is that informant's sister was married to one Sunil Sahni in the year 2007 and blessed with three children out of her wedlock. It is further alleged that husband of the informant's sister died some years ago. The allegation against the named accused persons is that they use to torture and assault the informant's sister and on 08.07.2022, informant got knowledge that dead body of his sister was found. The informant is apprehensive that his sister's



mother-in-law, father-in-law and brother-in-law killed his sister with sharp weapon by cutting her face.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case merely on suspicion. There is no eye witness of the alleged offence. From perusal of the F.I.R., it appears that there is specific allegation against mother-in-law, father-in-law and brother-in-law of the deceased and they are named in the F.I.R. The petitioner is not named in the F.I.R. rather his name transpired in this case only on the basis of confessional statement of co-accused Suraj Kumar. During investigation, it was found that petitioner had talked on phone with co-accused Suraj Kumar. Except the confessional statement of co-accused and tower location, nothing has come against the petitioner to show his complicity in this case. He has got no criminal antecedent. The other co-accused person has already been enlarged on bail by this Court vide order dated 25.04.2023 passed in Cr. Misc. No. 5930 of 2023. Moreover, the petitioner has surrendered on 28.02.2023 and since then he is languishing in judicial custody.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.



Having heard learned counsel for the parties and taking into consideration 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 in connection with Bhawanipur (Balua) P.S. Case No. 165 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 Court of C.J.M., Patna.

(Sunil Kumar Panwar, J)

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