

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62662 of 2022

Arising Out of PS. Case No.-136 Year-2022 Thana- SARAI RANJAN District- Samastipur

RAUSHAN KUMAR @ ROUSHAN KUMAR Son of Late Dhannu Singh
Resident of Village - Fatehpur Bala, Ward No.- 5, P.S.- Mushrigharari,
District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Rajendra Singh Shastri APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Sarairanjan
PS Case No. 136 of 2022, dated 30-05-2022 registered for the
offence punishable under Sections 324, 326 and 302/34 of the Indian
Penal Code.

The informant has been intimated by his daughter-in-law
that his son, who was sleeping on the roof top, has been murdered by
some persons. The informant has raised suspicion against one Guddu
Ram and Ram Kumar Ram by alleging that earlier they had
threatened the informant and his son with dire consequence.

The learned counsel for the petitioner submits that during
investigation, a new case has been made out alleging that the wife of
the deceased was having intimate relations with a villager, namely,
Kamlesh Paswan, who taking the aid of the instant petitioner, has
committed the murder. The confessional statement of the wife of the
deceased, to this extent, is the only material as per the submission of
the learned counsel for the petitioner. There is no investigation on
any other aspect so as to establish any connection of



the petitioner with Kamlesh Paswan, let alone, to establish his participation in the killing. It is submitted that investigation is complete.

Having no antecedent, the petitioner is in custody since 05/06/2022.

The learned APP for the State opposed the prayer for bail.

Considering the prosecution case in the FIR, the submission of the learned counsel for the petitioner and the material in the case diary as considered in the order of the learned ADJ- IX, Samastipur, while rejecting the prayer, as also clean antecedent of the petitioner as well as the fact that investigation is complete, this Court is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- III, Samastipur, in connection with Sarairanjan PS Case No. 136 of 2022, dated 30-05-2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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