

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69723 of 2023**

Arising Out of PS. Case No.-37 Year-2022 Thana- BHAGWANPUR District- Begusarai

Rahul Kumar @ Rahul Son of Bhim Paswan R/o village - Cheriya, P.S. -
Bhagwanpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bhagwanpur P.S. Case No. 37 of 2022, registered on 19.02.2022 for the alleged offence under Sections 302, 201/34 of the Indian Penal Code.

3. As per prosecution case, the brother of the informant had been working with co-accused Manoj Paswan and he came with him to his village on 15.02.2022. Thereafter, dead body of the brother of the informant was recovered and on further enquiry the informant came to know about the involvement of this petitioner along with co-accused Manoj



Paswan and Bhim Paswan, who assaulted and killed the brother of the informant and took away Rs.25,000/- being carried by him.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case as he is the nephew of co-accused Manoj Paswan and for this reason he has been named in this case. The informant is not an eye witness. Even the witnesses examined during investigation are all related to the deceased and they have stated same thing as the informant. But it is crystal clear that none has seen the occurrence and all the witnesses are hearsay. Considering all these facts, co-accused Bhim Paswan has been granted bail by a Co-ordinate Bench vide order dated 03.04.2023 passed in Cr. Misc. No. 75147 of 2022. The case of the petitioner is on similar footing. The petitioner has got no criminal history. The petitioner is in custody since 17.07.2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is named in the FIR for murder of brother of the informant.

6. Having regard to the facts and circumstances of



the case and submissions made on behalf of the parties and considering the fact that there is no eye witness to the occurrence and there is lack of substantive material against the petitioner, whose case is on similar footing to the person, who has been granted bail by a Co-ordinate Bench and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Begusarai/concerned court in connection with Bhagwanpur P.S. Case No. 37 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the



petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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