

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65728 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- SAHPUR District- Patna

Rahul Kumar Son Of Saroj Choudhary @ Suraj Choudhary Resident Of
Village- Lal Kothi, Ps- Danapur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-10-2023 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 sections 302 and 34 of the Indian Penal Code and Section 27 of Arms Act.

3. Allegation against the co-accused persons along with this petitioner is that they committed murder of the son of the informant due to previous enmity.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to previous enmity. The petitioner is not named in FIR rather his name came into light in this case on the basis of confessional statement of other co-accused person, namely, Suraj Kumar before the police which has



got no evidentiary value in the eye of law. No any consistent material has come during the course of investigation against the petitioner and also no any incriminating article has been recovered from his possession. Similarly situated other co-accused persons have already been granted bail by another co-ordinate Benches of this Court vide Annexure- p/2 series of this petition. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 25.02.2023.

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 Shahpur P.S. Case No. 124 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 Judicial Magistrate, 1st Class, Danapur, Patna.

(Sunil Kumar Panwar, J)

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