

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67754 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- CHAND District- Kaimur (Bhabua)

1. RAJESH KUMAR @ RAJESH RAM @ LADDU @ LALDDU Son of Sudama Ram R/V- Tenaure, P.S- Chainpur, Dist- Kaimur at Bhabua
2. Subhash Singh Son of Bachau Singh R/V- Merh, P.S- Chainpur, Dist- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 07-07-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners are languishing in custody in a case registered for the offences punishable under Sections 302, 379, 34 of the Indian Penal Code.

The prosecution case as per F.I.R is that husband of the informant was constructing his house through contractor Sarvan Gond. It is alleged that the pillars of the house were wrongly constructed on which there were hot exchange of talk between them and the contractor assured that he would get the pillars corrected. The husband of the informant thereafter went to sleep in the under-construction house where the contractor and other labourers used to sleep. Next morning, the informant



was informed that contractor and other labourers have killed her husband and took away with a bag containing Rs. 2 lakhs.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. The petitioners are not named in the F.I.R and their names subsequently sprang up on the confessional statement of co-accused Sharwan Gond and except confession, there is no consistent material evidence against the petitioners which suggests their complicity in the alleged offence. There is no eye witness to the occurrence. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. Moreover, similarly situated co-accused persons have already been granted bail by this Court vide order dated 8.5.2023 passed in Cr. Misc. No. 53282 of 2022. The petitioners are languishing in custody for more than one year.

Learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail and submitted that C.D.R. suggests that mobile location of the petitioners were found near the place of occurrence.

Considering the facts aforesaid and the period under custody, let the petitioners, above named, be released on bail on



furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Kaimur at Bhabua in connection with Chand P.S. Case No. 165 of 2022.

(Sunil Kumar Panwar, J)

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