

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73206 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- DELHA District- Gaya

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Rahul Kumar Son Of Late Vishundeo Prasad @ Bishnu Deo Prasad Resident
Of Village - Kharkhura, Sabji Mandi, Police Station - Delha And District -
Gaya (BIHAR)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-12-2023 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 Section 302 of the Indian
Penal Code and Section 27 of Arms Act.

Prosecution case in nutshell is that on
09.01.2023 at about 7:00 PM, brother of the informant,
namely, Amod Kumar was killed by fire arm. It is further
alleged that some dispute was going on and scuffle has
taken place with one Sunil Kumar and the deceased.



It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Petitioner is not named in the F.I.R. There is no specific allegation attributed against the petitioner rather his name has been arrayed in this case merely on the basis of suspicion and his self confessional statement before the police, which has no evidentiary value in the eye of law. From perusal of F.I.R., it is evident that dispute was going on between the deceased and one Sunil Kumar. There is no eye witness o the alleged offence. Moreover, the petitioner is languishing in judicial custody since 12.03.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

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 Delha P.S. Case No. 17 of 2023 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 Judicial Magistrate 1st Class, Gaya.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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