

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71314 of 2022

Arising Out of PS. Case No.-638 Year-2021 Thana- AKBARPUR District- Nawada

Rohit Kumar Son Of Late Anuj Singh @ Ram Anuj Singh R/V- Kulna P.S-
Akbarpur, Dist- Nawadah

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-03-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 120(B)/34 of the Indian Penal Code.

As per prosecution case, the informant alleges that accused persons have suspicion that brother of informant, namely, Rahul Kumar had enticed Sonali Kumari and fled away with her on 9.10.2021, but the said girl was recovered on 10.10.2021, from brick kiln of Uday Yadav. It is further alleged that the petitioner along with co-accused persons had threatened to kill informant's brother thereafter, on 13.10.2021, his brother had gone to attend call of nature but



later his body was found hanging in the varandah of his house.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this present case. There is general and omnibus allegation against the petitioner. There is also no eye witness in respect of commission of murder of informant's brother. During course of inquiry, charge-sheet has been submitted against the petitioner under section 306 of the IPC. It is also submitted that petitioner has no concern with the alleged occurrence and the entire allegation hinges around the petitioner merely on the basis of suspicion. Moreover, similarly situated co-accused persons have already been granted bail by different Benches of this Court. The petitioner is languishing in judicial custody since 08.09.2022.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that doctor opined that cause of death of the deceased is Asphyxia as a result of hanging.



Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Akbarpur P.S. Case No. 638 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawadah.

(Sunil Kumar Panwar, J)

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