

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28654 of 2024

Arising Out of PS. Case No.-236 Year-2023 Thana- JALALGARH District- Purnia

1. Rahul Kumar @ Rahul Kumar Sah @ Rahul Sah Son Of Sri Dhirendra Sah Resident Of Village - Gangati, P.O. - Mistri Nagar (Ward No.10), P.S. - Jalalgrah, District - Purnia
2. Parwesh Kumar Sah @ Prawesh Kumar Son Of Sri Ghanshyam Sah Resident Of Village - Gangati, P.O. - Mistri Nagar (Ward No.10), P.S. - Jalalgrah, District - Purnia

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Bidhu Ranjan, Adv. Mr. Kumar Rajdeep, Adv.
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, State

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 10-09-2024 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. Vide order dated 24.04.2024, the bail application of the petitioner no. 1, Rahul Kumar @ Rahul Kumar Sah @ Rahul Sah was dismissed by a Coordinate Bench of this Court.

3. The petitioner has preferred this application for grant of regular bail in connection with Jalalgarh P.S. Case No. 236 of 2023 dated 18.12.2023 registered for the offences punishable u/ss 302 read with Section 34 of the Indian Penal Code.



4. As per the prosecution case, the co-accused persons Amit Kumar Sah and Ramesh Kumar Sah came to the informant's house on a motorcycle and took the informant's son with them. When the informant's son did not return for a long time, the informant called the co-accused, Rahul Kumar on his mobile who informed him that he does not know where the informant's son has gone. Then the informant suspected that the accused persons had done something untoward to his son. Thereafter, the informant started searching his son and during search, he went to the house of the co-accused, Rahul Kumar where he found the slipper of his son at his verandah and then he raised suspicion that his son was killed by the accused persons and also on verification, he found the blood stain mark on a jute bag near the house of the co-accused, Rahul Kumar, on removal of the garbage, the informant found the dead body of his son and accordingly, the present F.I.R. was lodged against all the accused persons.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The specific allegation is against the co-accused, Rahul Kumar and from his house, blood stained



dabiya used in killing of the deceased was recovered. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has clean antecedent as stated in supplementary affidavit filed on behalf of the petitioner no. 2. The petitioner is in custody since 18.12.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Purnia in connection with Jalalgarh P.S. Case No. 236 of 2023.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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