

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31162 of 2024

Arising Out of PS. Case No.-1465 Year-2023 Thana- DANAPUR District- Patna

Sanju Kumar son of Bhagwan Rai R/o- Mainpura Ps- Danapur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 38810 of 2024

Arising Out of PS. Case No.-1465 Year-2023 Thana- DANAPUR District- Patna

Fudan Rai @ Phudan Rai @ Dharmendra Kumar Son of Gopal Rai Resident
of Village- Mainpura, P.S- Danapur, Dist- Patna , Bihar

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 57799 of 2024

Arising Out of PS. Case No.-1465 Year-2023 Thana- DANAPUR District- Patna

Baban @ Pawan @ Navin Kumar Son of Sachchida Nand Singh @ Sanchit
Rai @ Sachidanand Rai R/V- VILLAGE- MAINPURA P.S.- DANAPUR,
DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 31162 of 2024)
For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr.Ganesh Prasad Singh
(In CRIMINAL MISCELLANEOUS No. 38810 of 2024)
For the Petitioner/s : Mr.Praveen Prabhakar
For the Opposite Party/s : Mr.Zainul Abedin
(In CRIMINAL MISCELLANEOUS No. 57799 of 2024)
For the Petitioner/s : Mr.Anuj Kumar
For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH



ORAL ORDER

5 23-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Danapur P.S. Case No. 1465/2023 dated 23.11.2023 registered for the offence punishable u/s 302 read with 34 of the Indian Penal Code.

3. As per the prosecution case, the informant's son returned from Delhi on the occasion of Chhatha Puja, who had solemnized love marriage with Anshu Kumari one year ago. It has been further alleged that the petitioner no. 1 and 3 were threatening to kill the informant's son for one month. When the informant's son returned on 22-11-2023, the petitioner no. 3 Baban, Soordas, Akhilesh and the petitioner no. 1 took him on a Motorcycle. The informant made phone call to the co-accused Akhilesh in the last night and he told her that Baban, Soordas, Sanju, Randhir and her son Shubham were consuming liquor in a graveyard. When the informant's son did not return to house, she again called Akhilesh, but he did not pick up the Phone. On 23-11-2023, the informant again called the co-accused Akhilesh and he told her that he had left her son near the house of the co-accused Randhir. On the same day at about 1.30 O'clock, the informant received an information that his son was lying dead in Mainpura graveyard. On this information, she along with her



family went there and found his son lying dead. The informant has alleged that Randhir Kumar, Sanju Kumar, Baban, Soordas and Akhilesh had killed her son due to inter cast marriage.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. During investigation, CCTV footage of the alleged place of occurrence was examined by police and it is apparent from para. 54, 55 and 56 of the case diary that there is nothing to indicate the presence of the petitioner no. 1 at the alleged place of occurrence. The name of the petitioners have sprung up in this case in the confessional statement of the co-accused Akhilesh Singh and Sanju Kumar. There is nothing against the petitioner except the confessional statement. The petitioner no. 1 has one criminal antecedent whereas the petitioner no. 2 has three criminal antecedent and the petitioner no. 3 has clean antecedent as stated in para 3 of the bail petition. The petitioner no. 1 is in custody since 24.11.2023, the petitioner no. 2 is in custody since 06.01.2024 and the petitioner no. 3 is in custody since 14.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners. During investigation the petitioner no. 1 and the co-accused Akhilesh Singh were arrested and they confessed their involvement in the alleged occurrence and the co-accused, Akhilesh Singh stated that the



knife used in the alleged murder of the informant's son was recovered from the bush near Majar. As per the post-mortem report, the cause of death is due to haemorrhage and shock due to injury caused by sharp object leading to cardio-respiratory failure.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Danapur, Patna, in connection with Danapur P.S. Case No. 1465/2023, with the conditon:-

(i). The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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