

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34833 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- BUNIYAD GANJ District- Gaya

Rambabu @ Rahul Kumar @ Rahul, aged about 25 year (Male), son of Mohan Sao @ Loha Singh, resident of village- Baijnath Sahai Lane (Pankha Gali), Police Station- Buniyadganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Buniyadganj PS Case No. 278 of 2023 instituted for the offences punishable under Sections 302, 201/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the FIR named accused persons including the petitioner has murdered the husband of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. It is further



submitted that as per the written report, informant was not an eye witness of the alleged occurrence. There is no any substantive piece of evidence was found to connect the complicity of this petitioner in the alleged crime. He further submits that the petitioner is also not having any nexus with genesis or motive of the alleged occurrence. Similarly situated co-accused has already been granted bail by this Court vide order dated 15.03.2024 passed in Cr. Misc No. 17653 of 2024. Petitioner is in custody since 19.09.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order, it appears that petitioner is named in the FIR and all the witnesses are hearsay witnesses. Allegation of cause of death was due to fire arm injury as alleged by the informant but in the postmortem report as mentioned in the impugned order, no firearm injury was found on the persons of the deceased and the deceased was died due to head injury caused by hard and blunt object, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Additional
Chief Judicial Magistrate-VIII Class, Gaya in connection
with Buniyadganj PS Case No. 278 of 2023.

(Ramesh Chand Malviya, J)

Nilmani/-

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