

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37834 of 2024

Arising Out of PS. Case No.-127 Year-2023 Thana- SANJHOLI District- Rohtas

Kundan Kumar, aged about 22 years, Gender-Male, Son of Upendra Singh @ Upendra Kumar Singh, Resident of Village- Garura, P.S.- Sanjhauli, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40554 of 2024

Arising Out of PS. Case No.-127 Year-2023 Thana- SANJHOLI District- Rohtas

Law Kush Kumar, aged about 23 years, Gender-Male, Son of Late Satyendra Kumar @ Satyendra Kumar Singh @ Late Satyender Kumar, Resident of Village Gaodura P.S. Sanjhauli District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37834 of 2024)

For the Petitioner/s : Mr. Mithilesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 40554 of 2024)

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 01-08-2024 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

2. The petitioners seek bail in connection with Sanjhauli P.S. Case No. 127 of 2023 instituted for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

3. As per the prosecution case, the FIR named seven



accused persons including the petitioners assaulted the son of the informant causing death.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence and have falsely been implicated in this case merely on the basis of mere suspicion and dirty village politics. He further submits that the informant is not an eye-witness to the occurrence and he reached the place of occurrence after hearing the rumors in the village that his son has been killed. He next submits that none of the witnesses examined during investigation has seen the occurrence and they have supported the case of the prosecution. He submits that except suspicion there is no any material against the petitioners in the entire investigation to connect their complicity in this occurrence. Petitioner, Kundan Kumar has got one criminal antecedent as stated in para 3 of the petition and Petitioner, Law Kush Kumar has got no criminal antecedent as stated in para 3 of the petition. No any incriminating articles have been recovered from the conscious possession of the petitioners. Petitioners are in custody since 20.12.2023 / 17.10.2023, respectively.

5. Learned APP for the State and learned counsel for the informant vehemently opposed the prayer for bail.



6. From perusal of the FIR, case diary, postmortem report and impugned order of the learned 2nd Additional Sessions Judge, Sasaram, Rohtas dated 19.04.2024 / 26.04.2024, it appears that petitioners are named in the FIR. From perusal of the records, it is evident that the deceased got injury in hand as well as legs and swelling in the neck and the reason of death as squeeze of his neck. From perusal of the postmortem report, it is evident that caused of death is mentioned as Asphyxia caused by closing the mouth and nose. There is no any specific allegation against the petitioners except suspicion in the entire investigation to connect their complicity in the alleged crime, accordingly the prayer for bail of the petitioners are allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-3rd, Bikramganj, Rohtas in connection with Sanjhauri P.S. Case No. 127 of 2023.

(Ramesh Chand Malviya, J)

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