

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39102 of 2024**

Arising Out of PS. Case No.-397 Year-2023 Thana- SUPAUL District- Supaul

Rajesh Kumar @ Khabari Mandal @ Khabari, aged about 25 years, Male,
Son Of Sukhdev Mandal, Resident of Karcho, Ward No 8, P.S- Supaul,
District -Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shahid Aqubal, Advocate
For the Opposite Party : Mrs. Rina Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 04-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Supaul
P.S. Case No. 397 of 2023 dated 24.05.2023 registered for the
offences punishable under Sections 341, 323, 324 and 302/34 of
the I.P.C.

3. As per prosecution case, on 22.05.2023, the
informant's son had gone to visit the marriage ceremony of the
daughter of Satto Mukhiya, where a scuffle took place between
the *Barati* and the villagers, as a result of which, one boy got



injured from the side of *Barati*. Thereafter, the co-accused persons, Lala Mukhiya and Madan Mukhiya, took the son of the informant to the *Pandal* of the *Barat* at the door of Deena Babu. Later on, the informant also reached there and saw that Lala Mukhiya, Madan Mukhiya and some other persons of the *Barati* assaulted the informant's son and in course of assault, the co-accused Lala Mukhiya and Madan Mukhiya stabbed him with sharp weapon on his chest and stomach and the other co-accused persons assaulted him with fists and leg, due to that, blood started oozing from the chest and thereafter he fell down on the ground and thereafter the accused persons fled away from there. The son of the informant was brought to Supaul for his treatment but during the course of treatment, he died.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. The petitioner was not present at the place of occurrence. It is submitted that the petitioner is not named in the F.I.R. His name has come in the present case only on the basis of the confessional statement of the co-accused. Except for the confessional statement, there is no other substantive evidence to suggest the implication of the petitioner in the present case. No incriminating article has been recovered from possession of the



petitioner. There is no specific allegation against the petitioner rather it is alleged against the co-accused Lala Mukhiya and Madan Mukhiya. It is further submitted that the other co-accused Rajesh Kumar @ Deepak Kumar @ Deepak has been granted bail by a Bench of this Court vide Cr. Misc. No. 32641 of 2024 under order dated 07.05.2024. The petitioner has clean antecedent, as stated in paragraph no. 3 of the bail application. The petitioner is in custody since 06.03.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, 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 the learned C.J.M., Supaul in connection with Supaul P.S. Case No. 397 of 2023 with further condition:-

(I) The petitioner is 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 petitioner are liable to be cancelled.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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