

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40177 of 2024

Arising Out of PS. Case No.-299 Year-2023 Thana- RAGHOPUR District- Vaishali

Kavi Kumar @ Ravi Kumar S/O Shivnath Rai @ Bishwanth Rai R/O Village-
Himatpur, P.S.- Raghobpur(Rustampur) Dist-Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Digamber Kr. Singh, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 18-09-2024 Heard learned counsel appearing on behalf of the

petitioner and Mr. Navin Kumar Pandey, learned A.P.P. for

the State.

2. Petitioner seeks bail in connection with Raghobpur
(Rustampur O.P.) P.S. Case No. 299 of 2023 registered for
the offences under Sections 302/34 of the Indian Penal
Code.

3. The petitioner is not named in the First
Information Report and is in custody since 17.01.2024.

4. Allegation against the petitioner is to commit
murder of the husband of the informant alongwith other co-
accused persons by causing fire-arm injury.

5. It is submitted by learned counsel appearing on



behalf of the petitioner that petitioner implicated falsely merely on the basis of suspicion, where his name surfaced out of confessional statement of co-accused Rahul Kumar, who was apprehended in Raghapur (Rustampur O.P.) P.S. Case No. 12 of 2024. It is submitted by learned counsel that on the basis of said confessional statement, petitioner was remanded in this case as he was also one of the co-accused in the aforesaid case. It is submitted that save and except suspicion arising out of confessional statement of co-accused, nothing surfaced during investigation against this petitioner. It is submitted that no incriminating material was recovered/surfaced during course of investigation as to connect him *prima-facie* with present occurrence of murder.

6. While concluding argument, it is submitted that investigation of this case is completed and as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State, while opposing the prayer of bail of the petitioner, submitted that mobile tower location of the petitioner was found with same tower with the deceased and other co-accused persons which raised



grave suspicion against the petitioner.

8. Considering the facts and circumstances as implication of petitioner *prima-facie* appears out of suspicion arising out of confessional statement and mobile tower location, where petitioner is in custody since 17.01.2024, coupled with the fact that investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Vaishali/concerned court, in connection with Raghopur (Rustampur O.P.) P.S. Case No. 299 of 2023, subject to the condition as laid down under Section 437 (3) Cr.P.C/Section 480(3) of the Bhartiya Nyaya Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J.)

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