

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42409 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

Rupesh Kumar @ Rupesh Singh S/O Madan Singh R/O Village-Kunj, P.S. Bhabua, Distt-Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 23-10-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Session Trial No. 157 of 2024 arising out of Bhabua P.S. Case No. 44 of 2024 instituted for the offences under Sections 302, 120B, 34 of the Indian Penal Code.

3. Prosecution case, in short, is that on the alleged date and time of the occurrence, the petitioner had called husband of the informant. Next day, the informant got the information that dead body of her husband was lying beside the road west side of Silari Village. Informant suspects that all the accused persons including the petitioner have committed the murder of her husband by hatching conspiracy.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel for the petitioner submitted that no material against the petitioner has cropped up in the investigation. Learned counsel further submitted that as per post-mortem report no internal or external injury was found on the body of the deceased. Learned counsel further submitted that cause of death is not ascertained. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.01.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, no material against the petitioner as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court



below/concerned Court in connection with Session Trial No. 157 of 2024 arising out of Bhabua P.S. Case No. 44 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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