

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47651 of 2024

Arising Out of PS. Case No.-44 Year-2022 Thana- BHAGWANGANJ District- Patna

RAJA KUMAR @ RAJ KUMAR SON OF LATE BIRENDRA KUMAR @
BIRENDRA YADAV @ BIRENDRA PRASAD RESIDENT OF VILLAGE -
NUABAG, P.S. - MASAUHRI, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 21-09-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Bhagwanganj P.S. Case No. 44 of 2022 instituted for the offences under Sections 363 and 365 of the Indian Penal Code but charge-sheet submitted under Sections 364, 302, 201, 120B of the Indian Penal Code.

3. Prosecution case, in short, is that on the alleged date and time, the son of the informant had gone to watch a dance programme in the village Anouli but he did not return.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner



transpired in this case during investigation on the basis of the statement of a witness namely Radhe Shyam in para-35 of the case diary. Learned counsel further submitted that except the statement of the witness that he had seen the petitioner along with the deceased, there is no material against this petitioner. Learned counsel further contended that no incriminating article has been recovered either from the conscious possession or from the house of the petitioner. Learned counsel lastly contended that there is no evidence to prove the involvement of the petitioner in the murder of the deceased. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.01.2024 and has four criminal antecedents.

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, and, *prima facie*, there being no material against the petitioner to prove his involvement in the murder of the deceased, as also the period of the 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 Bhagwanganj P.S.
Case No. 44 of 2022, 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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