

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49895 of 2024

Arising Out of PS. Case No.-424 Year-2023 Thana- ATRI District- Gaya

Rahul Sharma @ Rahul Thakur Son Of Suresh Thakur Resident Of Village -
Ambatari, P.S. - Mohanpur, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

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

ORAL ORDER

3 23-08-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in Atri P.S. Case No. 424
of 2023, instituted for the offences punishable under Sections
302, 34, 504 & 506 of the Indian Penal Code.

3. The prosecution case, in short, is that, on
05.09.2023, dispute arose on account of irrigation of field
whereafter, co-accused including the petitioner came, variously
armed, and assaulted the husband of the informant, due to which
he died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner also submitted that there is no specific allegation attributed towards the petitioner. The allegation levelled against the petitioner is general and omnibus in nature. The petitioner is in custody since 27.03.2024 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by this Court vide order dated 30.04.2024 passed in Cr. Misc. No. 16856 of 2024.

5. Learned APP 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, taking into account the period of custody undergone by the petitioner and claim based on parity, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Atri P.S. Case No. 424 of 2023.

(Rudra Prakash Mishra, J)

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