

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51013 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- KHAJAULI District- Madhubani

Kundan Kumar @ Raghubir Yadav Son of Tapendra Yadav @ Tapendra Ram
Resident of Village - Hathiyahi, P.S. - Khajauli, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Amitesh Kumar, APP

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

ORAL ORDER

3 12-11-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Khajauli P.S. Case No. 33 of 2024 instituted for the offences
under Sections 302, 201, 120B read with Section 34 of the
Indian Penal Code.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of committing
murder of the Informant's son.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is not named in the F.I.R. and his name has



sprung up in the present case merely on the basis of the self-confessional statement of the petitioner and, except this, there is nothing against the petitioner to show his complicity in the presence occurrence. He further submits that the deceased was trace-less since 01.03.2024 but, neither any Sanha nor any application was lodged in this regard and, admittedly, the F.I.R. was lodged after recovery of the dead-body of the deceased, which was lying in the wheat field. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or from his house. The petitioner has no concern with the alleged occurrence or with the other co-accused persons. Learned counsel for the petitioner further submits that the deceased had illicit relationship with the co-accused Ranjana Devi. There is no eye-witness of the alleged occurrence and, in course of investigation, not a single witness has come forward in support of the allegation made against the petitioner. Learned counsel for the petitioner has further submitted that the F.I.R. has been registered after preparation of the postmortem report which also creates doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 07.03.2024 without any rhymes or reason.



5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that though the petitioner is not named in the F.I.R. but, his name has surfaced in this case on the basis of the statements of the witnesses recorded at Para 9, 10 and 11 of the case diary. The petitioner in his self-confessional statement has also admitted his guilt in the alleged occurrence. The postmortem report also shows the cause of death due to asphyxia as a result of hanging and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Khajauli P.S. Case No. 33 of 2024.

(Rudra Prakash Mishra, J)

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