

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51242 of 2023

Arising Out of PS. Case No.-172 Year-2022 Thana- TELHARA District- Nalanda

Khushbu Kumari Wife Of Rahul Kumar R/O-Navdiha, P.S.-Khigar Sarai,
Distt.-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70137 of 2023

Arising Out of PS. Case No.-172 Year-2022 Thana- TELHARA District- Nalanda

Rahul Kumar S/O Kailu Ravidas Resident Of Village- Navdiha, P.S.-Khigar
Sarai, District-Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 51242 of 2023)

For the Petitioner/s : Mr.Kaushal Kishor

For the Opposite Party/s : Mr.Md. Mushtaque Alam

(In CRIMINAL MISCELLANEOUS No. 70137 of 2023)

For the Petitioner/s : Mr.Kaushal Kishor

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 18-01-2024 Heard learned counsel for the petitioners, learned

counsel for the informant and learned APP for the State. Perused

the case diary.

2. The petitioners have prayed for bail in a case

registered for the offence punishable under Sections 302, 120(b)

and 34 of the Indian Penal Code and Section 27 of the Arms

Act.



3. It is a case of commission of murder of the informant's son namely, Sonal Bharti by the accused persons including the petitioners.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. The petitioners are not named in the F.I.R. They have been falsely implicated in this case only on the basis of their confessional statement before the police, which has no evidentiary value in the eye of law. There is not a single eye witness of the alleged occurrence. Nothing incriminating articles has been recovered from the conscious possession of the petitioners. During investigation, save and except the confessional statement of petitioners no consistent material has come against them to show their involvement in the alleged offence. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. Petitioners are languishing in judicial custody since 03.11.2022.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the



petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I, Hilsa, Nalanda in connection with Telhara P.S. Case No. 172 of 2022 on following conditions:-

(i) The petitioners shall co-operate in the trial and shall be present on each and every fixed date and on their absence on two consecutive dates without sufficient reasons, their bail bond shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or threaten the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Sunil Kumar Panwar, J)

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