

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64994 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- MORKAHI District- Khagaria

Rahul Kumar Raushan S/O Narendra Kumar Resident of Village- Narayanpur,
P.S- Bihpur (Bhawanipur), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, (Sr. Advocate).
For the Informant/s : Mr. Rajesh Ranjan, Adv.
: Mr. Mohammad Farooq, Adv.
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302 and 34 of the Indian Penal Code and Section 27 of Arms Act.

3. The case of the prosecution is that the brother of the informant's namely, Shambhu Kumar had gone for measuring land. After measurement, one Dinesh Rajak and Shambhu Kumar were returning on his TVS bike. Dinesh Rajak was his pillion and at 06:00 PM, two bikers overtook and fired at Shambhu Kumar. He was rushed to hospital where he died during his treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. Dinesh Rajak who is pillion rider of deceased namely, Shambhu Kumar has stated in his statement under Section 161 of



the Cr.P.C. that he can identify the assailants, but in this case, no TIP was conducted till date to identify the accused persons. In this case, Prince has been apprehended and he has given his confessional statement. On going through his confessional statement, I find that he has not implicated this petitioner. From perusal of the case diary, the motive of the petitioner is also not clear. It is further submitted that the petitioner is languishing in judicial custody since 19.06.2024.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Morkahi P.S. Case No. 74 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 1st Class, Khagaria.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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