

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78423 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- SILAO District- Nalanda

Subodh Rajbanshi Son Of Late Gano Rajbanshi @ Dhano Rajvanshi Resident
Of Village - Dhamar, P.S.- Rajgir, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Udbhav Mr. Pravin Kumar
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar
For the Informant	:	Mr. Ram Vinay Pd. Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 19-03-2024 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 363, 365 of the Indian Penal Code later on, Sections 302, 201 and 120(B) of the IPC were also added.

3. As per FIR, it is a case of causing death of two persons namely, Saurabh Kumar and one Chandramani Kumar by accused persons.

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. The petitioner is not named in FIR rather his name came into light in this case during



investigation on the basis of confessional statement of one Ram Swarup Rajbanshi before the police which has got no evidentiary value in the eye of law. It is further submitted from para-13 of this petition that the alleged confessional statement of co-accused Ramswarup Rajbanshi in which he stated that on the night, he had laid electrified wire for catching wild boar. The wire shook on which he and his friend Subodh Rajbanshi went and saw that two boys were near, they saw that both the boys had died and one boy of Chandi Mau was standing beside who disclosed his name as Chhotu Kumar and further that boys were fleeing after stealing Ganja from village Chandi Mau in course of which they got entangled in the electrified wire and died. No any specific overt act of commission of murder against the petitioner. According to postmortem report, cause of death could not ascertain. From perusal of the FSL report, no poison could be detected. Informant is not eye witness of the alleged occurrence. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 26.04.2023.

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 Silao P.S. Case No. 30 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Nalanda at Biharsharif.

(Sunil Kumar Panwar, J)

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