

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83889 of 2024

Arising Out of PS. Case No.-13 Year-2023 Thana- BIHARSHARIF RAIL P.S. District- Patna

Rahul Kumar S/o Om Prakash Mahto R/O- Karahdih, PS- Silao, Dist-
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2024 Heard Mr. Shivendra Prasad, learned counsel for
the petitioner and Mr. Sanjay Kumar Singh, learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
09.05.2024, in connection with S. Tr. No. 248 of 2024 arising
out of Biharsharif Rail (Rajgir) P.S. Case No. 13 of 2023, FIR
dated 16.06.2023 registered for the offence under Sections 302,
201 and 34 of the Indian Penal Code.

3. As per the prosecution case, petitioner in
connivance with other co-accused persons has committed the
murder of Vibha Devi.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and he has falsely been implicated in this case. He



further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the petitioner has been made accused in the present case merely on the ground that he is brother-in-law of the deceased. He further submits that from a bare perusal of the post-mortem report it appears that the deceased dashed with the train on that reason she has died. He further submits that the husband of the deceased, namely, Sonu Kumar is already in judicial custody since 09.05.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation against the petitioner in the FIR, petitioner is brother-in-law of the deceased and husband of the deceased is already in judicial custody since 09.05.2024, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge, XXIV, Patna in connection with S. Tr. No. 248 of 2024 arising out of Bihar Sharif Rail (Rajgir) P.S. Case No. 13 of 2023 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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