

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79604 of 2023

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

1. Rahul Kumar @ Rahul S/O Om Prakash R/O Village- Karah Dih, P.S- Silaw, Distt.- Nalanda.
2. Sonu Kumar S/O Om Prakash R/O Village- Karah Dih, P.S- Silaw, Distt.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-04-2024 Heard Mr. Manoj Kumar, learned counsel for the petitioners and Mr. Anil Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rail Bihar Sharif (Rajgir) P.S. Case No. 13 of 2023, F.I.R. dated 16.06.2023 for the offences punishable under Sections 302, 201/34 of the I.P.C.

3. According to prosecution case, the petitioners along with other co-accused persons were involved in the murder of the deceased.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that the informant is not the eye witness and nobody has seen the alleged occurrence and merely on the basis of suspicion the petitioners have falsely been implicated in the instant case and petitioner no. 1 is brother-in-law of the deceased and petitioner no. 2 is husband of the deceased. He further submits that co-accused person namely Nisha Kumari has been granted anticipatory bail by this Court vide order dated 20.12.2023 passed in Cr. Misc. No. 64550 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that it has come in Paragraphs '5' and '6' of the case diary that the villagers have stated that the petitioners have assaulted the victim and threw the dead body of the victim at the railway track and near the railway track some articles were also found which suggest that the petitioners were involved in the present crime in question.

6. Considering the nature of allegation levelled against the petitioners and the submissions advanced on behalf of the parties, this Court is not inclined to grant the privilege of anticipatory bail to the petitioners in connection



with Rail Bihar Sharif (Rajgir) P.S. Case No. 13/2023
pending in the Court of learned Railway Judicial Magistrate
at Patna Junction, District-Patna.

7. Their prayer for bail is accordingly rejected.

(Rajesh Kumar Verma, J)

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