

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85427 of 2023

Arising Out of PS. Case No.-383 Year-2022 Thana- AGAMKUAN District- Patna

Bablu Kumar @ Rathour @ Lav Kush Son Of Vipin Singh R/O Dariyapur,
P.S.- Naubatpur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 03-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner has filed the present application for bail in connection with Sessions Trial No. 48 of 2023, arising out of Agamkuan P.S. Case No. 383 of 2022 for the offence punishable u/s 302, 120B and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant gave a written report about murder of her husband and named the petitioner and other co-accused persons who under a conspiracy shot her husband dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no eye witness to the occurrence and no material has been brought on record to show the involvement of the



petitioner except for the confessional statement of the petitioner which has got no legal sanctity. From the FIR itself it is apparent that the informant had expressed a suspicion about involvement of the petitioner and other co-accused persons on the ground that the husband of the informant left his house in their company and next day his dead body was recovered. Learned counsel further submits that the bail application of co-accused Banti @ Ghanti has been rejected by a coordinate Bench vide order dated 27.02.2024 passed in Cr. Misc. No. 75207 of 2023 for the reason that the co-accused was also accused in five criminal cases of serious nature. But the petitioner in this case is accused in only one case under Sections 457, 380 and 511 of the IPC and he is on bail. Learned counsel further submits that some other co-accused persons have been granted bail namely, Santosh Kumar *vide* order dated 16.08.2023 passed in Cr. Misc. No. 17757 of 2023 and Dharmendra Kumar Mahto *vide* order dated 23.05.2023 passed in Cr. Misc. No. 25701 of 2023 by a coordinate Bench and this Court respectively. The case of the petitioner is of similar nature. Learned counsel further submits that charges have been framed on 16.05.2023 and till date prosecution has not produced any witness. The petitioner is in custody since 15.07.2022.



5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and considering the lack of substantial material against the petitioner to connect him with the offence as alleged and further considering the period of custody and likely delay in trial, let the petitioner above named, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, Patna in connection with Sessions Trial No. 48 of 2023 arising out of Agamkuan P.S. Case No. 383 of 2022.

7. The application stands allowed.

(Arun Kumar Jha, J)

Prakash/-

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