

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86314 of 2023

Arising Out of PS. Case No.-331 Year-2022 Thana- KHAGARIA District- Khagaria

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Raja Kumar Son of Arun Kumar Resident of Village-Katchahari Road,P.S.-
Chitragupta Nagar, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

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.

3. Prosecution case in short, is that, the informant got information that a dead body has been seen near Bahiyar at Gandak river in a hut and then informant with other police officials reached at that place and he saw in the hut of Jagdish Yadav, a dead body was lying and no one had identified the body of the deceased. Thereafter, this case has been lodged against unknown 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 surfaced in this case on the basis of confessional



statement of co-accused Guddu Kumar before the police which has no evidentiary value in the eye of law. It is further submitted that neither any eye witness of this case nor any consistent material has come against the petitioner to implicate him in this alleged offence. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. The other co-accused namely, Guddu Kumar @ Guddu Sah on whose confession petitioner has been implicated in this case, has already been granted bail by this Bench vide order dated 21.08.2023 passed in Cr. Misc. No. 14189 of 2023. Moreover, the petitioner is languishing in judicial custody since 02.04.2023.

5. Learned APP appearing for the state has 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 Khagaria Muffasil P.S. Case No. 331 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Khagaria.

(Sunil Kumar Panwar, J)

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