

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1129 of 2025

Arising Out of PS. Case No.-364 Year-2024 Thana- LAKHISARAI District- Lakhisarai

Kush Kumar @ Om Kumar Son of Late Suresh Singh Resident of Village-
Koriya, P.S.- Lakhisarai, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Raj

For the Opposite Party/s : Mr.Nagendra Prasad

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Lakhisarai P.S. Case No. 364/2024 dated 06.06.2024 registered for the offence punishable u/s 302 and 201 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, when the informant was trying to talk to the daughter of her Lt. Sister-in-law through phone, other person who belonged to the family said that she has been killed and thrown away, "do whatever you want to do". Thereafter, the informant went to enquire about the incident and came to know that Shambhavi Kumari (deceased) has been killed by the petitioner and the co-accused persons. In



2011, Lt. Sister-in-law of the informant was also killed by the co-accused Anmol Singh and Ramashray Singh with other accomplice. Further, the informant has alleged that the co-accused persons and the petitioner had previously threatened to kill Shambhavi Kumari (deceased) over the phone and did not allow her to talk over phone.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has submitted that the informant is not the eye witness of the alleged occurrence and she has lodged the present F.I.R. just to implicate the petitioner without indicating his role in committing the crime. The petitioner is the brother of the step mother of the deceased. Learned counsel has submitted that there are four charge-sheeted witnesses out of which three witnesses have already been examined whereas the P.W. 4 is the I.O. of the case who has not been examined. Learned counsel for the petitioner has submitted that the P.W. 1, 2 and 3 have been declared hostile. Even the informant (P.W. 1) has not supported the prosecution case. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 09.09.2024

5. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to 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 learned Court concerned, Lakhisarai in connection with Lakhisarai P.S. Case No. 364/2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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