

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.375 of 2025

Arising Out of PS. Case No.-136 Year-2024 Thana- MADHEPURA District- Madhepura

Rudhan Kamat @ Budhan Kamat Son of Bhupi Yadav @ Bhupi Kamat
Resident of Village- Goth Bardaha, Wared No. 02, P.S.- Parmanandpur, O.P.,
District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Ful Kumari Wife of Raben Sharma Resident of Village- Goth Bardaha, Ward
No. 02, P.S.- Parmanandpur O.P., Distt.- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gopal Kumar Jha, Adv.
For the Respondent/s	:	Mr. Binay Krishna, APP
		Mr. Kamal Kishore Singh, Adv.
		Mr. Anil Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 08-05-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 09.12.2024 passed by learned 1st
Additional District and Sessions Judge -cum- Special Judge
(SC/ST) Act, Madhepura whereby the prayer for bail of the
appellant in connection with Madhepura (Parmanandpur) P.S.
Case No. 136 of 2024 under Section 365 of the Indian Penal
Code and, later on, added Sections 302/201/34 of the Indian
Penal Code and Sections 3(II)(V) of the SC/ST (POA) Act, was
rejected.

3. As per prosecution case, the husband of the



Informant was called out by the appellant and other co-accused persons and they took him towards the brick kiln. The Informant's husband did not return and, subsequently, his dead body was found.

4. Learned counsel for the appellant submits that the appellant is innocent and has has falsely been implicated in the present case merely on the basis of suspicion. Learned counsel for the appellant further submits that the dead body of the Informant's husband was found near the bank of Tilabe river in drenched condition and in the postmortem report, it has come that no external injury was found on the dead body and the death was caused due to asphyxia by drawing. Charge-sheet has been submitted in this case. The appellant is in custody since 17.02.2024 and has no criminal antecedent. Similar co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 26.10.2024 passed in Cr. Misc. No. 56168 of 2024. The appellant has no concern with the alleged occurrence. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the appellant.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that the offence alleged is serious in nature.



The appellant is named in the F.I.R. After investigation, the Investigating Officer has submitted charge against the appellant under Sections 302, 365, 201/34 of the I.P.C. and Section 3(2) (v) of the SC/ST (PoA) Act.

6. Having heard learned counsel for the parties and considering the entire facts and circumstances of the case, the period of custody undergone by the appellant as also the appellant having no criminal antecedent, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 09.12.2024 passed by learned 1st Additional District and Sessions Judge -cum- Special Judge (SC/ST) Act, Madhepura is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madhepura (Parmanandpur) P.S. Case No. 136 of 2024.

(Rudra Prakash Mishra, J)

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