

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15550 of 2025

Arising Out of PS. Case No.-44 Year-2022 Thana- BHAGWANGANJ District- Patna

Subhash Kumar @ Boss Yadav @ Boss Kumar Son of Bachu Singh Resident
of Village - Nanhaganj, P.O. and P.S. - Parashbigaha, District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr. Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 02-07-2025 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Bhagwanganj P.S. Case No. 44 of 2022 instituted for the offences under Sections 363 and 365 of the Indian Penal Code but, charge-sheet has been submitted under Sections 364, 302, 201, 120B of the Indian Penal Code.

3. Prosecution case, in short, is that on the alleged date and time, the son of the informant had gone to watch a dance programme in the village Anouli but, he did not return.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner



transpired in this case during investigation on the basis of the statement of a witness namely Radhe Shyam in para-35 of the case diary. Learned counsel further submitted that except the statement of the witness that he had seen the petitioner along with the deceased, there is no material against this petitioner. Learned counsel further contended that no incriminating article has been recovered either from the conscious possession or from the house of the petitioner. Learned counsel lastly contended that there is no evidence to prove the involvement of the petitioner in the murder of the deceased. It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.01.2025 and has no criminal antecedent. Learned counsel for the petitioner further submits that the co-accused Raja Kumar @ Raj Kumar has already been granted bail by this Court vide order dated 21.09.2024 passed in Cr. Misc. No. 47651 of 2024.

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

6. Considering the aforesaid facts and circumstances of the case, and, *prima facie*, there being no material against the petitioner to prove his involvement in the murder of the deceased, the period of the custody undergone by the petitioner, the petitioner having no criminal antecedent as also the prayer



for bail being based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Bhagwanganj P.S. Case No. 44 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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