

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24159 of 2025

Arising Out of PS. Case No.-736 Year-2023 Thana- SUPAUL District- Supaul

Rahul Kumar Son of Suresh Paswan @ Bauka R/o Village- Ekma, Ward No. 05, P.S.- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyam Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. In this present case, the petitioner seeks bail in connection with Supaul P.S. Case No. 736 of 2023 registered for the offences under Sections 302, 201 and 120B of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons murdered the son of the informant and threw out his dead body in a pond. The name of the petitioner transpired during investigation for also being involved in the alleged occurrence.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner is not named in the FIR and his name came in this case on the basis of confessional



statement of co-accused Chotiya Yadav and the said co-accused has stated that the petitioner accompanied him on the alleged date of occurrence to the house of the deceased. There is no substantive material to connect the petitioner with the offence as alleged. Moreover, from the post-mortem report no foul play could be inferred as the cause of death was reserved till receiving of the FSL report. Moreover, no external injury was found over the body of the deceased. Petitioner is a boy aged about 19 years and he is having clean antecedent. Similarly placed co-accused persons, namely, Babiya Devi and Chhotiya Yadav have been granted bail by a Co-ordinate Bench of this Court vide order 23.09.2024 passed in Cr. Misc. No. 65549 of 2024 and order dated 25.04.2025 passed in Cr. Misc. No. 65969 of 2024, respectively. Petitioner is in custody since 07.11.2024 and charge-sheet has been submitted.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner was last seen with the deceased.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the post-mortem report which does not show any external injury on the body of the deceased and further considering the absence of



material to connect the petitioner with the offence as alleged and also considering the clean antecedent of the petitioner as well as his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VIII, Supaul/ concerned court in connection with Supaul P.S. Case No. 736 of 2023, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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