

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33511 of 2025

Arising Out of PS. Case No.-359 Year-2023 Thana- BACHHWARA District- Begusarai

1. Bikesh Kumar @ Bikash S/o Suresh Ray R/o Village- Khanua, Police Station- Vidyapati Nagar, District- samastipur
2. Rahul Kumar S/o Shiv Shankar Ray @ Nanhaki Rai R/o vill - Sahit Raja Chauk, P.S.- Vidyapati Nagar, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 16-05-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Bachhwara P.S. Case No. 359 of 2023 instituted for the offences under Section 302, 201, 120(B) and 34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the the petitioners is of being involved in committing murder of the deceased.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the



present case due to dirty village politics. The petitioner no.1 is not named in the F.I.R. The informant is not the eye-witness to the alleged occurrence. He further submits that there is delay of two days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The petitioners have no concern with the other co-accused persons. There is also no conspiracy to kill the deceased. The confessional statement of the petitioners recorded under Section 161 Cr.P.C. has no evidentiary value in the eye of law. The petitioner has no concern with the alleged occurrence. The petitioner no.2 has one criminal antecedent in which he is on bail and the petitioner no.2 has got three criminal antecedents. The petitioners are in custody since 18.04.2024/12.11.2023 respectively. Charge-sheet has been submitted against the petitioners in this case. Learned counsel for the petitioners again submits that the co-accused namely Chhotu Kumar has been granted bail by this Court vide order dated 18.12.2024 passed in Cr. Misc. No. 71221 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation alleged against the petitioners is serious in nature. He further submits that from the impugned



order, it appears that the petitioner no.2 is named in the F.I.R. and, on his confessional statement, the petitioner no.1 has been made accused in this case. The petitioner no.1 Bikesh Kumar has also confessed his guilt. Both the petitioners have criminal antecedent and, hence, they do not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bachhwara P.S. Case No. 359 of 2023.

(Rudra Prakash Mishra, J)

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