

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42587 of 2025**

Arising Out of PS. Case No.-329 Year-2024 Thana- SABAUR District- Bhagalpur

Rahul Kumar S/O- Ashok Mandal R/O Vill- Shankarpur, P.S.- Sabour, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Adv.
For the Opposite Party/s : Mr.Shantanu Kumar, APP

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

ORAL ORDER

2 30-06-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sabaur
P.S. Case No. 329 of 2024 instituted for the offences under
Sections 103(1), 3(5) of the BNS.

3. Accusation against the unknown accused person is
of commission of murder of the informant's brother.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case merely
on the basis of suspicion. Petitioner is not named in the F.I.R.
The name of the petitioner transpired in this case during
investigation on the basis of confessional statement of the co-
accused Ashish Kumar before the police which has no



evidentiary value in the eye of law. Except confessional statement of the co-accused, there is nothing an iota of evidence in the entire record of the case. There is no eye-witness to the alleged occurrence. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that there is no material on record to show the involvement of the petitioner in the alleged occurrence. It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.09.2024 and has one criminal antecedent. He further submits that the co-accused Mithun Kumar has already been granted bail by this Court vide order dated 22.03.2025 passed by Cr. Misc. No. 88083 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. Learned APP further submitted that other witnesses have also supported the case of the prosecution.

6. Considering the aforesaid facts and circumstances of the case, there being no direct material against the petitioner to prove his involvement in the alleged occurrence, the period of custody undergone by the petitioner 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 Sabaur P.S. Case No. 329 of 2024.

(Rudra Prakash Mishra, J)

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