

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 53511 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- CHAPRA KACHARI RAIL P.S. District-Saran

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1. Mukesh Kumar S/o Ganesh Prasad R/o vill - Mouna Ahir Toli, P.S. - Chapra Town, Dist. - Saran at Chapra
 2. Rajan Kumar S/o Dasharath Sah R/o vill - Bishunpura, P.s. - Chapra Mufassil, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Yadav S/o Hiralal Yadav R/o vill - Dhup Nagar, P.S. - Khaira, Distt. - Saran At Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP
For the Informant : Mr. Tej Pratap Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 10-01-2025 Heard learned counsel for the petitioners, learned counsel for the Informant and learned APP for the State.

2. The petitioners are in custody in a case registered for the offence punishable under Sections 394, 302, 201 and 354(A) of the Indian Penal Code and Section 8 of the POCSO Act.

3. Allegation against the petitioners is that they committed murder of the son of the informant and other accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence and has falsely been implicated in this case merely on the basis of mere suspicion. Petitioners are in custody since 01.07.2023 and they



have got no criminal antecedent as stated in para-3 of the petition.

5. Learned APP as well as the Informant have opposed the prayer for bail of the petitioners and learned counsel for the Informant submits that there is allegation of committing the murder of the son of the informant by the petitioners.

6. From perusal of the FIR, case diary and impugned order dated 04.05.2024, it appears from the case diary in paragraphs nos.7, 8, 25, 26, 30, 31, 33, 58, 59 and 150 witnesses have supported the prosecution case and the postmortem report of the deceased shows cause of death by shock into lungs and heart. The case diary showed that a blood stained cloth was recovered from the petitioners. In his confessional statement, the petitioner, Mukesh Kumar has confessed that he stabbed the knife on the victim, so considering this, I am not inclined to grant regular bail to the petitioners.

7. Accordingly, the prayer for regular bail of the petitioners is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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