

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57060 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- KADIRGANJ District- Patna

Gunjan Kumar son of Makholi Ram village- Dewa, Ps- kadirganj, Dist- jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 57836 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- KADIRGANJ District- Patna

Rahul Kumar S/o- Gajendra Prasad Resident of Village- Madafarpur, Ps- Kadirganj Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 58674 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- KADIRGANJ District- Patna

Raushan Kumar Son of Narendra Singh R/V- Village- Keorha, P.S.- Dhanrua, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 57060 of 2024)
For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Abhishek Kumar, Advocate
Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP
(In CRIMINAL MISCELLANEOUS No. 57836 of 2024)
For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Md. Mushtaque Alam, APP
(In CRIMINAL MISCELLANEOUS No. 58674 of 2024)
For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Md. Mushtaque Alam, APP



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

ORAL ORDER

7 22-01-2025 Heard learned counsel for the petitioners, learned
APP for the State and perused the case diary.

2. The petitioners seek bail in connection with
Kadirganj P.S. Case No. 24 of 2024, instituted for the offences
punishable under Sections 302/34 of the Indian Penal Code.

3. The prosecution case, in short, is that, dead body of
the son of the informant was found near Dewa bridge along with
motorcycle and it appeared that unknown persons have caused
death to the deceased son by assaulting him with iron rod as
severe injuries were found on the head and body of the
deceased.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material have been recovered from the conscious
possession of the petitioners.

5. Learned counsel for the petitioner in Cr. Misc. No.
57060 of 2024 further submits that the petitioner is not named in
the FIR. Name of the petitioner has transpired in this case on the
basis of confessional statement of co-accused, namely, Raushan



Kumar and the same has got no evidentiary value. There was no enmity between the deceased and the petitioner. No specific allegation has been attributed against the petitioner. The petitioner has got no concern with the deceased. The petitioner is in custody since 01.04.2024 and has got no criminal antecedent.

6. Learned counsel for the petitioners in Cr. Misc. No. 57836 of 2024 and Cr. Misc. No. 58674 of 2024 further submits that petitioners are not named in the FIR. Name of the petitioners have transpired in this case on the basis of confessional statement made by co-accused namely, Gunjan Kumar and the same has got no evidentiary value. No specific allegation have been attributed against these petitioners. The petitioners have got no concern with the deceased. The petitioners are in custody since 01.04.2024 and have got no criminal antecedent.

7. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

8. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.



9. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kadirganj P.S. Case No. 24 of 2024, 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.

(Rudra Prakash Mishra, J)

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