

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70132 of 2024**

Arising Out of PS. Case No.-225 Year-2024 Thana- MADHUBANI TOWN District-
Madhubani

Prakash Kumar, aged about 30 years, Gender-Male, S/o Suraj Prasad @ Suraj
Kumar Patwa, R/o Akhadaghat Road, P.S.- Nagar, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bhaskar Shankar, Advocate
For the Informant : Mr. Ajay Kumar Thakur, Mrs. Vaishnavi Singh,
Advocate and Mr. Ritwik Thakur, Advocate
For the State : Mr. Surendra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 16-04-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in
connection with Madhubani (Town) P.S. Case No. 225 of 2024
instituted for the offences under Sections 302 and 120B of the
I.P.C. and Section 27 of the Arms Act.

3. The case of the prosecution is that on 30.05.2024 at
about 19.53 hours, while the informant was cooking food at her
house, she heard the sound of firing when she came out from
her house, she found that her husband has received gun shot
injury and was in a pool of blood. She took her husband to the
hospital with the help of the neighbourers where her husband



was declared dead. It has further been alleged by the informant that her husband was working in 'Maharani Honda Agency' from last ten years as an Accountant. Her husband has told her two-three days prior to the occurrence that one of his colleagues Raj Kamal Thakur has defalcated Rs. 1,80,000/- of the company regarding which he had knowledge and told him not to disclose it to the owner. He has promised to give share in that defalcated money but when the husband of the informant denied, the co-accused Raj Kamal Thakur, threatened him of dire consequences. The informant believes that her husband was killed by the co-accused, Raj Kamal Thakur, by hatching a conspiracy.

4. It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. It has further been submitted that the petitioner is not named in the F.I.R. His name has come in the present case during the course of investigation on the basis of the confessional statement of the co-accused Raj Kamal Thakur as one of his associates in the alleged occurrence. It is further submitted that except the confessional statement of the co-accused Raj Kamal Thakur, Prakash Jha and Rajan Kumar Jha, there is no substantive evidence to suggest the implication of the



petitioner in the present case. The co-accused Prakash Jha in his confessional statement has confessed that he shot the deceased. The petitioner has no concern with 'Maharani Honda Agency' in which the deceased as well as the co-accused Raj Kamal Thakur were working rather the petitioner is working in 'Chola Mangalam Finance Company' which is situated within 200 meter radius of the present place of occurrence, hence, his mobile tower location is showing in the vicinity of the place of occurrence. The petitioner is known to prime accused Raj Kamal Thakur as several customers of 'Honda Company' Motorcycle took loan from his company i.e., 'Chola Mangalam Finance Company'. It is further submitted that as per the confessional statement of the co-accused Raj Kamal Thakur, the petitioner was working as a liner of the alleged occurrence. No incriminating article has been recovered from the possession of the petitioner. He has no concern with the alleged offence. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody since 01.06.2024 in this case.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner. Learned counsel for the informant has further



submitted that the co-accused, Raj Kamal Thakur, in his confessional statement has confessed his guilt and has also stated that he has defalcated Rs. 1,80,000/- of the company which was in the knowledge of the deceased and was pressuring him to deposit the sum that is why he alongwith his associates, namely, Prakash Kumar (petitioner), Raju Kumar Prasad, Rajan Kumar Jha and Prakash Kumar Jha killed the deceased. The police also arrested them from the rented house of Prakash Kumar (petitioner), and on the basis of the confessional statement of the co-accused, Raj Kamal Thakur, and on his identification, police recovered weapon of assault from the possession of the co-accused Prakash Kumar Jha, from the rented house of Prakash Kumar (petitioner). It is further submitted that prayer for bail of the other co-accused persons, namely, Raj Kamal Thakur and Rajan Kumar Jha, have already been rejected by another Co-ordinate Bench of this Court vide Cr. Misc. No. 64589 of 2024 with Cr. Misc. No. 68809 of 2024 under order dated 24.01.2025 with a liberty to renew their prayer for bail after six months if the trial does not conclude. The prayer for bail of other co-accused persons, Prakash Jha @ Prakash Kumar Jha and Raju Kumar Prasad have also been rejected by a Bench of this Court vide Cr. Misc. No. 82559 of



2024 under order dated 24.03.2025 and Cr. Misc. No. 80159 of 2024 under order dated 28.03.2025 respectively.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhubani in connection with Madhubani (Town) P.S. Case No. 225 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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