

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80159 of 2024**

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

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Raju Kumar Prasad, aged about 24 years, Gender-Male, S/O Ram Ashish Prasad, R/O Village- Bajiapur, Ward No.-2, P.O- Singhia Deorhi, P.S- Kamtaul, Distt.- Darbhanga.

... .. Petitioner

Versus

The state of Bihar

... .. Opposite Party

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**Appearance :**

|                    |   |                                  |
|--------------------|---|----------------------------------|
| For the Petitioner | : | Mr. Shivnandan Bharti, Advocate  |
| For the Informant  | : | Mrs. Vaishnavi Singh, Advocate   |
| For the State      | : | Mr. Ram Bilash Roy Raman, A.P.P. |

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

ORAL ORDER

3      28-03-2025                      Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Madhubani (Town) P.S. Case No. 225 of 2024, G.R. No. 1128 of 2024 dated 31.05.2024 registered for the offences punishable under Sections 302 and 120B of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, 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 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, has 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. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner is not named in the F.I.R. His name has surfaced in the present case during the course of investigation only on the basis of the confessional statement of the other co-accused person but in their confession they have also not alleged any overt act against the petitioner. The confessional statement made before the police under Section 161 of the Cr.P.C. has got no legal or



evidentiary value in the eye of law. It is further submitted that even assuming the confession of the co-accused, hypothetically to be true without affirming the offence, even then the petitioner has been alleged to be the driver of the motorcycle but it is relevant to mention here that the petitioner is a person with 45% permanent disability of limbs and suffering from Polio causing locomotive distress since childhood which is evident from the certificate issued by P.H.C., Keoti, Darbhanga, annexed as Annexure/-P/2 to the present bail petition. No incriminating article has been recovered from his possession. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 01.06.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail petition 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 pressurizing him to deposit the sum that is why he alongwith his associates, namely, Prakash Kumar, Raju Kumar Prasad



(petitioner), Rajan Kumar Jha and Prakash Kumar Jha killed the deceased. The police also arrested them from the rented house of the co-accused, Prakash Kumar, 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 the co-accused Prakash Kumar. It is further submitted that the paragraph nos. 26, 35 and 40 of the case diary also supported the prosecution case of the informant. 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. It is further submitted that the prayer for bail of the other co-accused Prakash Kumar Jha has also been rejected by a Bench of this Court vide Cr. Misc. No. 82559 of 2024 under order dated 24.03.2025.

6. Considering the aforesaid facts and circumstances of the case and finding substance in the contention of the learned counsel for the informant, this Court is not inclined to grant bail



to the petitioner and the same is rejected in connection with Madhubani (Town) P.S. Case No. 225 of 2024, G.R. No. 1128 of 2024, pending in the court of learned Chief Judicial Magistrate, Madhubani.

7. The application stands rejected.

8. The learned court below is directed to expedite the trial of the petitioner and conclude the same at the earliest.

**(Chandra Prakash Singh, J)**

U.K./-

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