

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77549 of 2024

Arising Out of PS. Case No.-473 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Rahul Kumar @ Rahul Singh, son of Late Ranjit Prasad Singh @ Ranjit Singh, R/o- Professor Colony Rambag, Ward no.30, Purnea Sadar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-03-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with K. Hat (Sahayak) P.S. Case No.473 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 302, 120(B), 379 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the son of the informant used to run a Medical shop at Rambag Chowk. On 10.04.2023, at about 9.00 PM, he left the house by informing the informant that the petitioner had called him. Later on, when the informant called his son, it has been disclosed that he is with Nainsi Kumar and would be returning just within ten minutes, but did not return. On 11.04.2023, at about 3.30 AM, the police has brought the son of the informant in injured condition and later on he was taken to hospital from



where he referred to several Hospitals, but ultimately died on 13.04.2023, during the course of treatment. It is alleged that the petitioner along with Nainsi Kumar and other unknown persons by hatching conspiracy killed his son and snatched away valuables.

4. Learned Advocate for the petitioner straightway drew the attention of this Court to paragraph 16 of the case diary and submitted that in fact on the fateful day all the three persons, including the petitioner and the deceased, were going on a motorcycle, but unfortunately they met with an accident, resulting into injuries to all the three persons, however, the injuries sustained to the deceased proved fatal. The statement of the witness Pramod Prasad, who was also the member of patrolling party, is worth noticing, who stated that how the aforesaid accident took place. The aforesaid contention also supported from the post-mortem report, which clearly suggests that the death caused due to road accident, but only taking note of the inquest report it was advised for investigation at the level of the police officer. The petitioner and co-accused Nishant Kumar Singh have also sustained injury. To support the aforesaid contention, attention has been drawn to the injury report of the petitioner dated 11.04.2023. Adverting to the



aforesaid facts, learned Advocate for the petitioner thus contended that the alleged occurrence took place on 10.04.2023 and the F.I.R. has been instituted on 13.04.2023, knowing fully well that the deceased and the petitioner were friend, but on the instigation made by some unscrupulous person, the present F.I.R. has been instituted.

5. On the other hand, learned APP for the State opposes the bail application and submits that apart from the active participation of the petitioner in the crime, the petitioner also bears three criminal antecedents.

6. At this juncture, learned Advocate for the petitioner submits that out of three cases, the petitioner has been acquitted in two of the cases and with respect to one, the petitioner is on bail.

7. Regard being had to the submissions made on behalf of the parties and considering the statement of the witness recorded during the course of investigation, coupled with the post-mortem report suggesting the death caused on account of road accident, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees



twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Hat (Sahayak) P.S. Case No.473 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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