

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78516 of 2024

Arising Out of PS. Case No.-229 Year-2024 Thana- AHİYAPUR District- Muzaffarpur

1. Arun Kumar S/O Late Yogendra Ray R/O Village - Bhagwatipur, P.S- Ahiyapur , District- Muzaffarpur
2. Arvind Kumar S/O Jagarnath Ray R/O Village - Bhagwatipur, P.S- Ahiyapur , District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 03-03-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 302 and 34 of the Indian Penal Code.

3. The case of the prosecution is that on 18.02.2024 at about 6:00 PM the son of the informant had gone to take vegetables when he did not return till night then he called on his mobile at 6:30 PM he told he will that he will return within ten minutes after that his mobile got switched off he was being searched by the family members and he came to know on 19.02.2024 that some dead body has been sent to SKMCH when



the informant went to SKMCH, he identified the body of his son. The FIR was lodged against unknown miscreants. In re-statement, he has named the petitioner Arun Kumar and has stated that Arun Kumar is the friend of his son.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. Moreover, they are languishing in judicial custody since 08.08.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that during course of investigation CDR of petitioner Arun Kumar was collected. From perusal of the CDR which is at para-30 it transpires that he had talks on that day with the deceased. Petitioner Arun Kumar has also given his confessional statement and in his confessional statement, he has admitted his guilt. He has also criminal antecedent of five cases.

6. Having heard learned counsel for the parties and considering the material against the petitioner Arun Kumar, this court is not inclined to enlarge the petitioner No. 1 namely, Arun Kumar on bail. Hence his prayer for bail stands rejected.

7. However, the petitioner Arun Kumar will be at liberty to renew his prayer for bail after six months if the trial is



not concluded.

8. As far as petitioner Arvind Kumar is concerned, his name has surfaced in the statement of the wife of the deceased she has stated that when she made a call on the mobile of her husband, she was informed that deceased was having a party with his friends including this petitioner. Nothing consistent material has come against this petitioner except the statement of the wife of the deceased.

9. Considering the facts and circumstances of this case in respect of petitioner Arvind Kumar, I am inclined to enlarge this petitioner, namely, Arvind Kumar on bail. The above named petitioner is directed to be released on bail in connection with Ahiyapur P.S. Case No. 229 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur.

(Ashok Kumar Pandey, J)

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