

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85334 of 2024

Arising Out of PS. Case No.-349 Year-2021 Thana- GAYA KOTWALI District- Gaya

Rishi Kumar S/O Late Raju Prasad @ Raju Saw R/O village- Telbigha
Chaudhary Gali, P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-01-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Kotwali P.S. Case No. 349 of 2021 registered for the offences

under Section 302/34 of the IPC.

3. The petitioner is named in the F.I.R. and is in

custody since 01.08.2024.

4. The allegation against the petitioner is to commit

murder of the son of the informant alongwith other co-

accused persons due to previous enmities.

5. Learned counsel appearing on behalf of the

petitioner submitted that informant is not the eye-witnesses



of the occurrence and even the allegation of last scene is not available against him rather same is available against co-accused Rahul Kumar and Abhishek Kumar, who have already granted bail by this court and co-ordinate bench of this court through Cr. Misc. No. 46876 of 2022 vide order dated 22.12.2022 & Cr. Misc. No. 25684 of 2022 vide order dated 26.08.2022, respectively. It is pointed out that save and except suspicion arising out of information gathered from the unidentified persons, nothing incriminating appears against this petitioner. While concluding the argument it is submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of fact as save and except suspicion arising out of information provided by unidentified person nothing appears incriminating, so as to



connect this petitioner *prima-facie* with the present murder, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 01.08.2024, accordingly, petitioner, above named, is directed to be released on bail in connection with Kotwali P.S. Case No. 349 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./ 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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