

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73415 of 2025

Arising Out of PS. Case No.-165 Year-2025 Thana- KHAJEKALA District- Patna

Rahul Kumar S/o Manoj Bhagat @ Bhagat Ji Resident of Dadar Mandi, P.S.-
Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr .Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 24-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 103 (1) /3 (5) of B.N.S.

3. As per the prosecution case, on 24.04.2025, the
informant's son left home for some work but did not return. Upon
search, the informant received information from a local resident that
the dead body of a person was lying in the drain at Ghasiyari Gali.
Upon receiving the said information, the informant immediately went
to the spot and saw that his son, Shubham Kumar, was lying dead
there. It is further alleged that there was an ongoing dispute regarding
a money transaction between the informant's son and petitioner and
he along with others had killed his son.

4. Learned counsel for the petitioner submits that it would
be evident from the First Information Report itself that there is no



eye witness to the case and the F.I.R rests only upon suspicion against the petitioner and other co-accused namely Lili Kumar. The Petitioner is not concerned in any way with the alleged offence. As a matter of fact, there was no dispute between the petitioner and the deceased with regard to money. It appears from the bail rejection order that the deceased also used to consume smack and it was the petitioner and co-accused Lili Kumar who had given the information with regard to the dead body lying at the place of occurrence. It is further submitted that similarly situated co-accused, Lili Kumar, has been granted bail by a Co-ordinate Bench of this Court vide order dated 17.02.2026 passed in Cr. Misc. No. 7394 of 2026 wherein the material collected during the course of investigation has also been considered and a reference has been made to paragraphs 12 and 23 of the case diary containing the statement of father and brother of the deceased who have not named the persons from whom they received the information that the deceased was present at the place of occurrence. It was also detected during the course of investigation that the deceased was addicted to consuming smack. The petitioner has no criminal antecedent and has been languishing in custody since 26.04.2025. Charge sheet has been submitted.

5. Learned APP for the State opposed the bail petition.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the First Information Report rests on suspicion and similarly situated co-accused person



has been granted bail by a Co-ordinate Bench of this Court, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Khajekala P.S. Case No. 165 of 2025, subject to the conditions that :

- (i) One of the bailors shall be the wife of the petitioner.
- (ii) The petitioner shall remain physically present in court on each and every date fixed in the case and would co-operate in getting the charges framed and in case of non-cooperation and non-appearance on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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