

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11498 of 2019

Arising Out of PS. Case No.-6 Year-2018 Thana- THAKRAHA District- West Champaran

ANGAD KUSHWAHA @ ANGAD KUMAR Son of Ram Awadh
Kushawaha @ Nathuni Kushwaha Residents of Village- Dindayal Nagar,
Police Station- Bagaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra

For the Opposite Party/s : Mr.Kanhaiya Kishore (App

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-02-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 149, 341, 323, 302 IPC registered in connection with Thakaraha (Bhitaha) P.S. Case No. 06 of 2018.

3. It is submitted that the petitioner has been falsely implicated and the FIR is against as many as seven persons who are the various family members of Dr. Uday Kushwaha who was assaulted the day prior to the present FIR by the son (deceased) of the informant and for which Thakaraha (Bhitaha) P.S. Case No. 05 of 2018 was instituted (Annexure-2). The deceased had been caught by Dr. Uday Kushwaha and handed over to the police who informed the informant that his son was not well and required to be medically examined and on way to the hospital the informant's son died. The post mortem report does not disclose any external injury nor the viscera report discloses any poisonous substance detected in viscera as evident from the final form submitted by the police after due investigation (Annexure-5). The petitioner is the cousin of Dr. Uday Kushwaha and claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or



surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM, Bagaha, West Champaran in connection with Thakaraha (Bhitaha) P.S. Case No. 06 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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