

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38559 of 2019**

Arising Out of PS. Case No.-312 Year-2018 Thana- JANDAHA District-
Vaishali

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RAHUL KUMAR Son of Birendra Kumar Resident of Village - Panapur
Dedh Bigahiya, P.S.- Mahnar, District - Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Ms. Rina Sinha, Advocate.

For the Opposite Party: Mr. Abhay Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 19-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 302 and 394 of the Indian Penal Code and
Section 27 of the Arms Act registered in connection with Jandaha
P.S. Case No. 312 of 2018.

3. It is submitted that the petitioner has been falsely
implicated as evident from the facts and circumstances
surrounding the accusation. It is stated that the F.I.R. was lodged
on 31.12.2018 for the alleged occurrence of 30.12.2018 when
two unidentified miscreants came on the motorcycle near the
informant's shop and one of them took the cash from the shop on
point of pistol. Upon protest, the miscreants fired, injuring
Pankaj Kumar who subsequently died. It is further submitted



that the petitioner had been arrested on 07.01.2019 in connection with Jandaha P.S. Case No. 03 of 2019 but was subsequently released on grant of regular bail. As an afterthought the concerned S.H.O. submitted a requisition on 17.01.2019 for remand of the petitioner in the present case. Moreover a clear allegation in the F.I.R. is of two unidentified miscreants came on motorcycle but the chargesheet has been submitted against as many as five accused persons and investigation is on going against another four accused persons. Except the aforesaid Jandaha P.S. Case No. 03 of 2019 in which he is on bail, the petitioner claims clean antecedents.

4. Learned APP appears and has been heard. He has however not pointed out any objective material in the case against the petitioner.

5. 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 Additional Chief Judicial Magistrate-XI, Vaishali at Hajipur in connection with jandaha P.S. Case No. 312 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 cooperate 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) That 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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