

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69923 of 2018**

Arising Out of PS. Case No.-351 Year-2018 Thana- CHAPRA MUFFASIL
District- Saran

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Meghnath Prasad Kushwaha @ Meghnath Prasad @ Meghnath Kushwaha
Son of Late Sudarshan Parsad, Resident of Village- Amnour, Police
Station- Amnour, District- Saran (Chapra).

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Abhijeet Gautam Mr. Surendra Kumar Singh, Advocates.
For the Informant	:	Mr. Kapil Deo Singh, Advocate.
For the State	:	Mr. Ajay Kumar-I, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 28-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 302/34 of the Indian Penal Code registered in connection with Chapra Mufassil P.S. Case No. 351 of 2018.

3. It is submitted that the petitioner has been falsely implicated and even in the F.I.R., mere suspicion has been raised not only against the petitioner but also against three other co-accused persons. It is submitted that except suspicion, there is no objective material to connect the petitioner with the alleged occurrence. A supplementary affidavit has been filed today, *inter alia*, enclosing a copy of the deposition recorded under Section 164 Cr. P.C. of co-accused Amit Baitha who was the landlord of the deceased, Dr. Anil Kumar Prasad (father of the informant), in which he has stated about the illicit relationship of the deceased



with the daughter of one Rajendra Nat. It has further been stated that on the date of occurrence he had heard a scream and went down stairs upon which he found Rajendra Nat with a blood stains *fasli* in his hand along with his son-in-law. He then went to the room of his tenant Dr. Anil Kumar Prasad and found him covered with blood fallen on the floor. From the confessional statement of Rajendra Nat, it transpires that he has confessed his guilt in view of the illicit relation the deceased had with his daughter. It is further submitted that the petitioner was out of station on the date of occurrence namely 31.08.2018, having gone to Vaishno Devi and was away between 23rd of August, 2018 to 2nd September, 2018. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant opposes the anticipatory bail petition. It is submitted on the basis of paragraphs- 22 to 26 of the case diary that suspicion has been raised against the petitioner. It is however pointed out that the copy of the case diary as received contains entries only up to 15.12.2018 whereas the confessional statement of Rajendra Nat as well as the deposition under Section 164 Cr. P.C. of Amit Baitha, both dated 15.01.2019, have been obtained thereafter and as such do not form part of the case diary as received.

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 provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Mufassil P.S. Case No. 351 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.

6. Provisional bail shall be confirmed after verification by the learned Court below to its satisfaction from the deposition of Amit Baitha in original and the confessional statement recorded of Rajendra Nat from the case diary in respect of submissions of the petitioner in their respect as narrated above. If the said submissions of the petitioner are not borne out, the provisional bail shall stand cancelled.

(Vikash Jain, J)

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