

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78014 of 2019

Arising Out of PS. Case No.-199 Year-2018 Thana- KARJA District- Muzaffarpur

RAHUL KUMAR DIWAKAR @ DIWAKAR KUMAR @ DIWAKAR S/o
Upendra Ray R/o village- Bangari, P.S.- Kanti (Panapur O.P.), District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 363, 364, 302, 120B, 201 of
of the Indian Penal Code and Section 27 of Arms Act.

Learned counsel for the petitioner submits that the
informant is the father of deceased who in his written complaint
has alleged that his son Jaya Prakash Narayan received a call
from Mobile No.7361907855 at 8.30 am and went on his
motorcycle to finalize some land deal, subsequently he he
informed his wife that he was going to Patna and thereafter
informed that he will be reaching his shop at 10.30 am. He
called his brother to send cheque book and seal on which he



issued 4 cheques, 2 in the name of informant and 2 in the name of staff amounting to Rs. 50 Lacs and 50 lacs but in his account there was only Rs. 44,000/- and on being contacted on mobile asked to talk to his partner Bablu Bhaiya. He did not return and F.I.R. was filed and after 29 days his dead body was recovered. F.I.R. is against unknown. Petitioner is in custody since 08.08.2019 and has no criminal antecedent.

Counsel for the petitioner further submits that similarly situated co-accused have already been granted bail by co-ordinate Bench as well as by this Court vide order dated 08.02.2019 passed in Cr. Misc. No. 3386 of 2019, vide order dated 14.03.2019 passed in Cr. Misc. No. 11767 of 2019 and vide order dated 05.07.2019 passed in Cr. Misc. No.29752 respectively.

In the facts and circumstances of the case, let the petitioner, above named, be released 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 Court of Additional Chief Judicial Magistrate 2nd (West), Muzaffarpur in connection with Karja P.S. Case No. 199/2018, G.R. No. 3424/2018, subject the following conditions:-

(1) One of the bailors would be close relative of the



petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) If the petitioner indulges in an offence of similar in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Anjani Kumar Sharan, J)

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