

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.11677 of 2020**

Arising Out of PS. Case No.-50 Year-2008 Thana- GURUA District- Gaya

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RAKESH MAHTO @ RAKESH KUMAR VERMA @ RAKESH KUMAR
S/o Late Jagdeo Prasad Resident of Village- Nawada, P.S.- Sherghati, Distt-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena, Adv.

For the Opposite Party/s : Mr.Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 25-09-2020 Mr. Anil Kumar Saxena, learned counsel for the

petitioner filed an affidavit in compliance of the order dated

26.08.2020. He has undertaken that in future he will be cautious

and shall place on record instructions which will be in his

knowledge.

For the reasons stated therein, let the same be

accepted.

So far as the present case is concerned, the petitioner

in the present case is seeking regular bail in connection with

Gurua P.S. Case No.50/2008 registered for the offence under

Section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the

petitioner is not named in the First Information Report and



though the case is of the year 2008 for the first time the name of the petitioner has transpired in the confessional statement of the co-accused Chhotu Chaudhary recorded on 25.09.2019 in paragraph 194 of the case diary. It is submitted that prior to the confessional statement of the Chhotu Chaudhary, police had extracted three other confessional statement of the co-accused, but they have not named this petitioner. It is submitted that immediately after the name of the petitioner came in the confessional statement of the co-accused Chhotu Chaudhary he has surrendered and is in custody since 20.01.2020.

Mr. Choubey Jawahar, learned APP for the State has received the case diary, he has gone through the same and has confirmed that the name of this petitioner has come for the first time in the confessional statement of the co-accused Chhotu Chaudhary on 25.09.2019. He has also confirmed that prior to confessional statement of the Chhotu Chaudhary the three other confessional statements did not mention the name of this petitioner. Learned APP has, however, submitted that as has been revealed now the petitioner is having a criminal antecedent and he has got one case on his head which has come in the case diary.

Having regard to the facts and circumstances of the



case wherein it appears from the submissions of learned counsel for petitioner as well learned APP for the State that the petitioner is not named in the FIR, his name has transpired in the confessional statement of the co-accused Chhotu Chaudhary on 25.09.2019, he is in custody since 20.01.2020 and save and except the confessional statement no other material has been brought to the notice of this Court, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sherghati, Gaya in connection with Gurua P.S. Case No.50/2008, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or



tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

It is further provided that in case the petitioner fails to appear in the learned trial court on two consecutive dates, the learned trial court shall proceed to cancel the bail bond of the petitioner and take him in custody.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

