

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17824 of 2020**

Arising Out of PS. Case No.-308 Year-2019 Thana- KUDRA District- Kaimur (Bhabua)

RAJAN KESHARI Son of Kashi Sah Resident of Village- Kharigawa, P.S.-
Chainpur, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 24-08-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kudra P.S. Case No.308/2019 registered for the offences punishable under Sections 279, 304(A), 302, and 201 of the Indian Penal Code. Later on Sections 392, 411 and 328/34 of the Indian Penal Code were also added.

Learned counsel for the petitioner submits that the petitioner is not named in the First Information Report. His name has transpired in the confessional statement of the co-accused Pintu Keshari. Learned counsel further submits that in fact mobile of the deceased Prem Kumar was recovered from one Ramjanam Bind who disclosed that he had purchased it



from Pintu Keshari whereupon Pintu Keshari was arrested and from his house some android mobile sets, two carry bags and purse were recovered. So far as this petitioner is concerned, nothing has been recovered from his possession and in course of investigation though Pintu Keshari's mobile tower location has been found near the alleged place of occurrence and he shown to have talked with co-accused driver Shyam Lal Bind but the investigation has not revealed that he was in touch with this petitioner. It is submitted that the petitioner has been falsely implicated in this case and is in custody since 20.11.2019.

Learned APP for the State has opposed the prayer for regular bail of the petitioner and has submitted that the petitioner has got one criminal antecedent in a case under Excise Act.

Having regard to the facts and circumstances of the case and upon perusal of the case diary, taking note of the submissions of learned counsel for the petitioner that save and except confessional statement of Pintu Keshari, no material at all has been collected in course of investigation to connect the petitioner with co-accused Pintu Keshari and nothing has been recovered from his possession, neither his mobile tower location has been found near the place of occurrence nor the petitioner



has ever been found talking to the co-accused, the investigation against him is complete and further incarceration of the petitioner in jail is not likely to help the investigation or prosecution, 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 A.C.J.M.-VIth, Kaimur at Bhabua in connection with Kudra P.S. Case No.308/2019, 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 during the lockdown period. The authorities
concerned shall take appropriate steps to ensure such
observance prior to and after release of the petitioner.

(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'.

