

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18716 of 2020**

Arising Out of PS. Case No.-306 Year-2016 Thana- BETTIAH CITY District- West  
Champaran

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PRAKASH KUMAR @ PRAKASH KUMAR PATEL Son of Sri  
Ramchandra Prasad Resident of Village - Banuchhapar, P.S.- Bettiah Muffasil  
(Banuchhapar O.P.), District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate  
For the State : Mr. Mohammad Arif, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      01-09-2020                      Heard Mr. Umesh Chandra Verma, learned counsel  
  
for the petitioner and Mr. Mohammad Arif, learned Additional  
  
Public Prosecutor appearing for the State through video  
  
conferencing.

Petitioner seeks regular bail in connection with  
  
Bettiah Town P.S. Case No. 306 of 2016 registered for the  
  
offence punishable under Section 302 of the Indian Penal Code  
  
1860 and Section 27 of the Arms Act.

The allegation against the petitioner as per the First  
  
Information Report is that servant of the informant was sleeping  
  
in the Verandah and when in the morning the informant tried to  
  
wake him, he was found dead having a gun shot injury on his  
  
head. It has further been alleged that a pamphlet of Royal Group



was found near the bed of the deceased.

Learned counsel for the petitioner submits that the petitioner is not named in the First Information Report. Learned counsel further submits that the petitioner was initially arrested in Bettiah Muffasil P.S. Case No. 280 of 2016 and, thereafter, remanded in 3-4 other cases including the present case on the basis of confessional statement of co-accused Kunal Thakur, Bharat Patel etc. Learned counsel also submits that Kunal Thakur, Bharat Patel and other co-accused persons have been granted bail by co-ordinate Benches of this Court passed in Cr. Misc. Nos. 48777 of 2017 and 21588 of 2017 respectively. Learned counsel referring to paragraph 11 of this petition submits that other co-accused persons seven in numbers, have already been granted bail by different coordinate Benches of this Court. Learned counsel further submits that petitioner is in custody since 24.06.2017 i.e. for more than three years.

This Court had called for a report from the learned court below regarding stage of trial and in pursuance thereof, the report has been submitted by learned Chief Judicial Magistrate, Bettiah, West Champaran vide letter No. 179 dated 08.07.2020 stating therein that cognizance of the offence was taken on 17.07.2018 and the case is fixed for commitment on



17.07.2020.

Having regard to the submissions made by the parties and taking into consideration the fact that similarly situated co-accused have already been granted bail by different co-ordinate Benches of this Court, the petitioner is in custody for more than 3 years and the case is still pending for commitment, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail, if he is not required in any other case, on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Bettiah Town P.S. Case No. 306 of 2016 on the following condition:-

(i) that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

**(Anil Kumar Sinha, J)**

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