

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12835 of 2021**

Arising Out of PS. Case No.-602 Year-2020 Thana- BRAHMPUR District- Buxar

RAKESH GIRI S/o Vindhyachal Giri R/o village- Harkhahi Mathiya, P.S.-
Brahmpur (K.B.), District- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

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

3 24-08-2021 Heard learned counsel for the petitioner and Mr.
Mritunjay Kumar Nirala, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Brahmpur (Krishna Brahm) P.S. Case No. 602 of 2020 registered for the offences punishable under Sections 323, 302, 201, 120B of the Indian Penal Code. He is in custody since 21.11.2020.

Learned counsel for the petitioner submits that this petitioner is not named in the First Information Report. It is alleged that somebody called the son of the informant on his mobile phone whereafter he went outside his house but did not return. In the next morning at about 07:00 A.M. his dead body was found in an orchard and it appeared that he was assaulted by sharp cutting weapons.

Learned counsel for the petitioner submits that in course of investigation it has come that the call was given by co-accused Sanoj Kumar. His confessional statement was recorded by police and in his confessional statement he has named this petitioner.

Learned counsel submits that save and except the confessional statement of the co-accused in which the name of the petitioner has transpired, there is no other material to connect him with the present case. No scientific investigation has been made and no call records of this petitioner with the co-accused have been found. The petitioner has otherwise no criminal antecedent.

On the other hand, learned APP for the State submits that the name of the petitioner has transpired in the confessional statement of the co-accused, however, no other material has been pointed out to this Court from the case diary to corroborate the confessional statement of the co-accused.

Considering the facts and circumstances of the case as noted hereinabove and further that co-accused Sanoj Kumar has been granted bail by a learned Co-ordinate Bench of this Court in Cri. MIsc. No. 19291 of 2021 vide order dated 16.08.2021, this Court directs release of the petitioner above named on bail

on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Brahmpur (Krishna Brahm) P.S. Case No. 602 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(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'.