

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3720 of 2021**

Arising Out of PS. Case No.-71 Year-2020 Thana- NOWKOTHI GARHPURA District-  
Begusarai

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RAHUL KUMAR son of Kailash Paswan Resident of Village- Maheshwara,  
P.S.- Nawkothi, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Randhir Kumar No.1, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      11-08-2021                      Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 302, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is that he along with other accused persons committed murder of the nephew of the informant Anita Devi.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case. He submits that only allegation upon the petitioner is that he was last seen along with the deceased. He submits that there is no eye witness to the present case and similarly situated co-accused has been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 34247 of 2020. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner. He further submits that petitioner bears no criminal antecedent as stated in para-3 of the bail application and he is languishing in judicial custody since 30.05.2020.

However, learned counsel for the informant and State oppose the prayer for bail and submits that petitioner on his motorcycle taken away the deceased and similar situated co-accused Shivam Mahto has been rejected bail by a coordinate Bench of this Court in Cr. Misc. No. 33927 of 2020.

Considering the facts and circumstances of the case and the fact that there is no eye witness to the present case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Nawkothe P.S. Case No. 71 of 2020, subject to



the conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

**(Anjani Kumar Sharan, J)**

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