

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6019 of 2021**

Arising Out of PS. Case No.-262 Year-2020 Thana- HISUWA District- Nawada

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Gaurav Bhardwaj, Son of Raj Kumar Singh, Resident Of Village-Chhotaki
Pali Police Station-Hisua, District-Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Ranjan, Adv.
For the Opposite Party/s	:	Mr.Mukesh Kr. Singh, APP
For the Informant	:	Mr.Birendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-08-2021 Heard the parties through virtual Court proceedings.

The petitioner seeks bail in a case registered for the offence punishable under Sections 302, 201, 120(B) and 34 of the Indian Penal Code.

Prosecution case, in brief is that as per FIR, on 10.08.2020 while the informant was going on his duty he learnt that a dead body of female has been thrown near Manjhway Pahari Baba on a lonely place. Informant went there and saw that a dead body of female was there. The persons who assemble there did not identify the dead body then he informed the Hisua P.S. and the dead body was sent for its post-mortem etc.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR, during investigation his name came to light on the basis of confessional statement. There is no eye witnesses in the present case. The petitioner is languishing in judicial custody since 24.08.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition. Charge has been framed against the petitioner.

Learned APP for the State vehemently opposed the prayer for bail of the petitioner and submits that after study of CDR of mobile of Pankaj Kumar and Gaurav Bhardwaj near the place of occurrence. The witnesses in paragraphs 23, 24, 25, 26, 27, 47, 51, 70 and 71 of the case diary have supported the prosecution case.

Heard the parties.

Perused the record including the case diary admitted fact is that there is no eye witnesses in the present case only on suspicion the petitioner has been made accused in the present case.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five



thousand) with two sureties of the like amount each in connection with Hisua P.S. Case No. 262/2020 to the satisfaction of learned Court below where the case is pending/successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how 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.

(2) that the bailor shall also state 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.

(3) 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 bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.



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

(Anjani Kumar Sharan, J)

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