

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12860 of 2021**

Arising Out of PS. Case No.-241 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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BITTU KUMAR SON OF HARDEO PRASAD YADAV @ HARDEO
YADAV R/o village- Kaithma, P.S.- Begusarai Muffasil, Distt.- Begusarai

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 15-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Begusarai Muffasil P.S. Case No. 241 of 2020

registered for the offences punishable under Sections 307,

302/34 of the Indian Penal Code and Section 27 of the Arms

Act.

Learned counsel for the petitioner submits that from

perusal of the First Information Report itself it would appear

that the informant is brother of the deceased and is an eye-



witness. He is a co-villager of this petitioner. The informant has specifically named co-accused Ram Nath @ Rahul Kumar as the assailant who had fired upon the brother of the informant twice and allegedly killed him. The informant has given name of the other accused who were allegedly present at the time of occurrence despite being co-villager of this petitioner, the informant has not named him as the petitioner was not present at the time of occurrence at the alleged place of occurrence. It is, further, submitted that later on in course of investigation the prosecution improved upon the earlier version of the case and named this petitioner as one of the persons who was present at the place of occurrence and was firing, there is no specific allegation that this petitioner had fired upon the deceased or any other person.

Learned A.P.P. for the State has also submitted that the specific allegation of firing is against co-accused Ram Nath @ Rahul Kumar.

Having regard to the facts and circumstances of the case wherein the specific allegation of firing is against co-accused Ram Nath @ Rahul Kumar and the petitioner has otherwise got no criminal antecedent. So far as present case is concerned, the investigation is complete but the trial is not



likely to be concluded in near future, the co-accused have been granted bail by learned co-ordinate Benches of this Court in Cr. Misc. Nos. 25719 of 2020, 31025 of 2020, 40467 of 2020 and 3889 of 2021 respectively, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Begusarai Muffasil P.S. Case No. 241 of 2020 subject to the condition as laid down under Section 437 (3) 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, of 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 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.

This application stands disposed of accordingly.

(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'.

