

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8327 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- SIRDALA District- Nawada

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Babhana Kumar @ Ankit Kumar @ Bhagwan Kumar S/o Mathura Prasad R/o
village- Mandal, P.S.- Sirdalla, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-09-2022 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 149, 323, 307, 504 and
506 of the Indian Penal Code and later on Section 302 of the
Indian Penal Code was added.

According to prosecution case, the petitioner along
with other accused persons assaulted Raushan Kumar with Lathi
on his head as a result of which he died during the course of
treatment.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the accused persons including the petitioner. He further submits that there is no specific allegation of assault or overt act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.09.2021.

The learned counsel for the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the bail application of the co-accused namely Chandan Yadav has been rejected vide order dated 15.02.2022 passed in Cr. Misc. No. 61653 of 2021.

Learned counsel for the petitioner submit that co-accused namely Chandan Yadav was in custody about more than six months but the petitioner is in custody almost one year.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sirdalla P.S. Case No. 126 of 2021, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

Mdrashid/
Vanisha

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