

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25938 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- JANKINAGAR District- Purnia

RAKESH KUMAR @ AJAD KUMAR Son of Umesh Yadav Resident of
village - Murliganj Rohika Tola, Ward no.8, P.S.- Murliganj, Distt.-
Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Adv.

For the Opposite Party/s : Mr. Pamanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Jankinagar P.S. Case No. 101 of 2020 registered for the
offence under Sections 302 and 201 of the Indian Penal
Code.

According to the prosecution, the petitioner is said
to have involved in gruesome murder of the one Chandan
Kumar Sah whose body was found in canal without head.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case only on
the basis of suspicion. He further submits that the petitioner



has not been named in the F.I.R. but his name transpired in this case during course of investigation on the basis of his own confession. He further submits that there is no eye witness to the alleged occurrence and nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that no material has surfaced during course of investigation except the call records which suggest that the petitioner was in constant touch with the deceased. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 17.11.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned J.M-1st, Class, Purnea in connection with Jankinagar P.S. Case No. 101 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

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