

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25849 of 2021

Arising Out of PS. Case No.-2 Year-2015 Thana- RAJAOLI District- Nawada

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Rabo Saw@ Ravindra Saw@ Sabo Saw Son Of Mauji Saw Resident Of
Village- Bhusadi, P.S. Rajauli, District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Nayan,Adv

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Rajauli
P.S.Case No. 02 of 2015 registered for the offence under
Sections 302 and 34 of the Indian Penal Code.

The prosecution case, in short, is that on 01.01.2015
at 6.00 P.M. Vijendra Saw called Bacchan Ravidas, son of
informant for milking his cow and at 8.00 P.M. Vijendra Saw,
Karu Saw and Rabo Saw (petitioner), after killing the son of
informant brought him on tractor and kept his body at the house
of informant and told, let him sleep, do not wake him up and
returned to their houses but after some time when informant
attempted to wake up his son he found him dead then on his hue
and cry, his other family members gathered there.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the informant is not an eye witness of the alleged occurrence. He further submits that during course of investigation, Superior Investigating Officer, in para-25 of the case diary, has recorded that he has not found case true against the petitioner and others. He further submits that co-accused, namely, Vijendra Sao and Karu Sao have been granted bail vide order dated 07.07.2020 in Cr. Misc. No.21723 of 2020 by a Coordinate Bench of this Hon'ble Court and the petitioner is in custody since 02.01.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the FSL Report did not support the supervision report as mentioned in para-25 of the case diary.

Considering the aforesaid facts and in fact the co-accused persons have been granted bail by a Coordinate Bench of this Hon'ble Court, 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 learned Chief Judicial Magistrate, Nawada in connection with Rajauli P.S. Case No. 02 of 2015 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 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.

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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