

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18041 of 2022

Arising Out of PS. Case No.-644 Year-2021 Thana- BIHTA District- Patna

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Saurav Kumar @ Rahul Kumar S/o Raj Kumar Resident of Neori, at present
Adlipur, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-10-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Santosh Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Bihta (Neora O.P.) P.S. Case No. 644 of 2021
registered for the offences punishable under Sections 302, 201
and 34 of the Indian Penal Code.

The prosecution case is based on a written report
alleging therein, that his elder brother 'Firoz Ansari' went for
painting work on 30.08.2021 but did not return till evening and
on the following day an information was received regarding an
unidentified dead body near the railway track, then the



informant and his brother went there and found the dead body of his brother was lying there. The informant suspects that unknown persons committed the murder of his brother.

Learned counsel appearing on behalf of the petitioner submits that FIR has been instituted against unknown persons, however, during the course of investigation, the statement of the wife and son of the deceased were recorded by the police and they have categorically stated that the brothers of the deceased by conspired together have caused the death of the deceased with the help of other persons. On the basis of the aforesaid statement, the petitioner was apprehended and his confession was recorded by the police. He next submits that in fact during the course of investigation the brother of the deceased have been made accused, however, both of them have been allowed the privilege of bail by the learned co-ordinate Bench of this Court, the copy of which has been produced before this Court and the same has been kept on record. He next submits that the petitioner, having fair antecedent, is in custody since 03.10.2021 and moreover, it is a case based on suspicion and there is no eyewitness to the alleged occurrence.

On the other hand, learned APP for the State opposes the bail application and submits that in course of investigation



ample materials have come, suggesting the complicity of the petitioner apart from his own confession.

Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based on suspicion and other co-accused persons, whose name has come during the course of investigation, they have been allowed the privilege of bail and the petitioner, having fair antecedent, apart from his period of incarceration, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Learned Additional Chief Judicial Magistrate-I, Danapur in connection with Bihta (Neora O.P.) P.S. Case No. 644 of 2021 subject to the condition that one of the bailors will be the local residents/close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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