

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29521 of 2021

Arising Out of PS. Case No.-136 Year-2020 Thana- DESARI District- Vaishali

AKHILESH @ KATARIYA S/o Kapil Ray Resident of Village- Nayagaon
Ganiyari, P.O.- Ganiyari, P.S.- Desari, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Desari
P.S. Case No. 136 of 2020 registered for the offence under
Sections 302, 201 and 34 of the Indian Penal Code.

The nephew of the informant is said to have been
killed by the F.I.R. named accused persons.

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. In fact,
the petitioner has not been named in the F.I.R. but during
course of investigation, name of this petitioner transpired in
this case merely on the basis of suspicion. Moreover, the co-



accused, namely, Rahul Kumar @ Harihar, who is alleged to have been last seen with the deceased, has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.03.2021 passed in Cr. Misc. No. 35861 of 2020 and one more co-accused, namely, Poojan Kumar has also been granted bail by a co-ordinate Bench of this Court vide order dated 08.01.2021 passed in Cr. Misc. No. 33887 of 2020 and the case of this petitioner stands on better footing. The petitioner is rotting in judicial custody since 05.01.2021.

Learned A.P.P. for the State on the basis of case diary has fairly submitted that the name of this petitioner has transpired in this case only on the basis of suspicion and no cogent material has come against the petitioner during course of investigation.

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 A.C.J.M.-15, Vaishali at Hajipur in connection with Desari P.S. Case No. 136 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)

brajesh/-

U		T	
---	--	---	--

