

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35463 of 2021

Arising Out of PS. Case No.-337 Year-2020 Thana- TEGHRHA District- Begusarai

Ashwani Kumar @ Kanhaiya Kumar @ Ashwani @ Kanhaiya Son of Sri Sanjay Prasad Singh @ Sanjay Singh Resident of Village - Barauni -01, Ward No. 11, P.S. - Teghra, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60211 of 2021

Arising Out of PS. Case No.-337 Year-2020 Thana- TEGHRHA District- Begusarai

Appu Kumar @ Bhullu S/O Rakesh Singh R/o village- Barauni-1, P.S.- Teghra, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 35463 of 2021)

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Ms. Meena Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 60211 of 2021)

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 22-02-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Teghra P.S. Case No. 337 of 2020 registered for the offences punishable under Sections 364 of the Indian Penal Code and later on 302,



201, 120(B), 34 of the Indian Penal Code has been added.

According to prosecution case, the husband of the informant was abducted from Teghra Goshala Parishar by the accused Amresh Chaurasia along with his 4-5 companions. Next day morning, a phone call was received in which the caller, accused Amresh Chaurasia, said that he murdered the husband of the informant and threw dead body.

Learned counsel for the petitioners submits that petitioner no.1 has one criminal antecedent whereas petitioner no.2 has clean antecedent and they have falsely been implicated in the present case only on the basis of confessional statement of co-accused namely Amresh Chaurasiya. He further submits that it appears from the confessional statement of co-accused Amresh Chaurasiya that he himself killed the husband of the informant and there is direct allegation against the co-accused namely Amresh Chaurasiya. He further submits that nothing has come against the petitioners during the investigation. He further submits that the police after investigation submitted the charge sheet against the petitioners on 31.01.2021. The petitioners are in custody since 17.11.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail but fairly submits that



petitioner no.1 carries one criminal antecedent and petitioner no.2 has clean antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Tegra P.S. Case No. 337 of 2020, 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 their absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent,



the court below shall take step for cancellation of bail bond of the petitioners. 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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