

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21761 of 2022

Arising Out of PS. Case No.-176 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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RAKESH KUMAR Son of Prakash Yadav Resident of Village - Baburahi,
P.s.- Sahebpur Kamal, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Prakash Shrarma, Advocate.
For the Opposite Party/s : Ms. Nirmala Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 16-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Uday Prakash Shrarma, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Sahebpur Kamal P. S. Case No. 176 of
2021 registered for the offences punishable under Sections
120(b), 302, 147, 148, 149, 354(B) of the Indian Penal Code.

As per the prosecution case, it is alleged that all the
F.I.R. named accused persons including the petitioner variously



armed with *lathi*, *danda*, iron rod and sword surrounded the family members of the informant and thereafter, started assaulting her and her family members. It is further alleged that the husband of the informant was shot by co-accused Adarsh Kumar @ Nanu Babu and Gopal @ Govind Gopal. It is also alleged that the petitioner along with Nitish Kumar assaulted the female members and teased the women.

Learned counsel appearing on behalf of the petitioner submitted that there is admitted land dispute between the parties and both are the own family members. It is further submitted that since the petitioner's sister has been married to co-accused Govind Gopal and due to the said reason the petitioner used to come to the house of his sister, hence, his name has also been implicated in this case. However, there is no allegation of any overt act rather the omnibus allegation of misbehaving with the female members has been alleged. It is next submitted that co-accused Nitish Kumar, against whom there was identical allegation has already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 15524 of 2022 vide order dated 18.07.2022. It is also submitted that this petitioner is in custody since 17.01.2022, having fair antecedent.



On the other hand, learned APP for the State opposes the bail application and submits that all the accused persons in furtherance of common intention have assaulted the informant's husband and other family members, resulting into death of the husband of the informant.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation against the petitioner as also the fact that other co-accused person having identical allegation has already been granted bail by learned co-ordinate Bench of this Hon'ble Court and moreover, the investigation of the crime is already completed and the charge sheet has been submitted and this petitioner is in custody since 17.01.2022, having fair antecedent, let the petitioner, above named, 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 court of Chief Judicial Magistrate, Begusarai in connection with Sahebpur Kamal P. S. Case No. 176 of 2021, subject to the condition that one of the bailors will be the 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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