

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23869 of 2022

Arising Out of PS. Case No.-469 Year-2021 Thana- CHAPRA TOWN District- Saran

RAHUL KUMAR S/o Ashok Kumar Sony Resident of Muhalla- Rupganj Giri
Tola (Arya Nagar Katharibag), P.S.- Chapra Town, District- Saran, at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kalyan Shankar, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chapra
Town P.S. Case No. 469 of 2021 registered for the offence under
Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 07.01.2022.

The allegation against the petitioner is to commit
murder of the father of the informant, along with other co-
accused persons, by assaulting with knife.

Learned counsel appearing on behalf of the petitioner



submitted that informant is not the eye-witness of the occurrence and the entire allegation against the petitioner is based upon suspicion and viral video, where, even, it is not clear that who made assault with knife to the father of the informant. It is submitted that rickshaw puller, who brought dead body of the father of the informant, claiming to be an eye-witness of the occurrence, was never called to join TIP, during the course of investigation. It is also submitted that no incriminating material surfaced/recovered, save and except doubtful viral video against this petitioner, to connect the petitioner with present alleged occurrence. It is further submitted that genuineness of alleged viral video is yet to be ascertained from FSL. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that informant is not the eye-witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence, where genuineness of viral video is yet to be examined coupled



with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chapra Town P.S. Case No. 469 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra/concerned court, subject to the following conditions:

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Ashok Kumar Soni, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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