

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38466 of 2021

Arising Out of PS. Case No.-327 Year-2020 Thana- PAROO District- Muzaffarpur

RAHUL SINGH Son of Arun Kumar Singh Resident of Village - Manikpur,
P.S. - Paroo, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-02-2022 Heard learned counsel for the petitioner 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.

Petitioner seeks bail in connection with Paroo P.S. Case No. 327 of 2020 registered for the offences punishable under Sections 302/34 of the IPC.

As per prosecution case, on 08.06.2020 petitioner and co-accused Chandan Singh went to the house of the informant and took away his brother on their motorcycle saying that they will return after an hour but his brother did not return. In the morning, the informant knew that dead body of his brother was lying in the campus of Khutahi High School. The informant claimed that his brother was killed by the petitioner as well as



co-accused Chandan Singh and unknown persons.

Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that there is no eye witness of the alleged occurrence. He further submits that it appears from the FIR that alleged occurrence took place on 08.06.2020 and the present FIR has been instituted on 10.06.2020 without any explanation of delay. He further submits that during investigation nothing has come against the petitioner and the police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 20.09.2020.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of the charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III (West), Muzaffarpur in connection with Paroo P.S. Case No. 327 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

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