

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43183 of 2021**

Arising Out of PS. Case No.-192 Year-2019 Thana- PARASBIGHA District- Jehanabad

RAHUL KUMAR S/O AWADH NARAYAN SHARMA R/o village-
Basantpur, P.S.- Parasbigha, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Adv

For the Opposite Party/s : Mr.Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 25-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147,149,341,323 and 302 of the Indian Penal Code.

Allegation against the petitioner is that on 04.09.2019 while Vikram Kumar now deceased after taking dinner was sleeping at the shop, some accused persons came and assaulted him brutally who died during course of treatment in the P.M.C.H., Patna.

Learned counsel appearing for the petitioner submits



that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR that there is no eye witness of the alleged occurrence and the name of the petitioner has come, during investigation, on the basis of the confessional statement of co-accused-Chandra Bhushan Kumar @ Chandar Bhushan Kumar. He further submits that co-accused-Chandar Bhushan Kumar has been granted bail vide order dated 15.04.2022 in Cr. Misc. No.41053 of 2021 by a Coordinate Bench of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 05.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Court below where the case is pending in connection with Parasbigha Police Station Case No.192 of 2019, 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 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.

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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