

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44977 of 2021**

Arising Out of PS. Case No.-291 Year-2020 Thana- KHARHAGPUR District- Munger

Akash Kumar, S/O Kanhaiya Paswan @ Kanhay Paswan of Village-Najari,
P.S-Gangta, District-Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Rajiv Kumar Singh, Advocate
For the Opposite Party/s :	Mr.Amitesh Kumar, A.P.P.
For the Informant :	Mr. Kaushal Kumar Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 22-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Amitesh Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Haveli Kharagpur P.S. Case No. 291 of 2020 registered for the offences punishable under Sections 302, 201, 120B, 34 of the Indian Penal Code. He is in custody since 27.10.2020. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner alleging that he along with the co-accused who are named in the F.I.R. were standing at the door of



the informant when she reached there with her husband after performing Puja and then this petitioner handed a sum of Rs. 1,000/- to her husband saying that in her house his sister has taken birth and they are giving a party, on this her husband went with the accused persons but thereafter his dead body was found.

Learned counsel submits that it is a case of circumstantial evidence but in course of investigation no material could be collected by the Investigating Officer to corroborate the case of the prosecution, as a result whereof the co-accused Dharambir Kumar @ Karambir Bharti and Mithilesh Thakur have been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 25425 of 2021 and Cr. Misc. No. 34072 of 2021, co-accused Vikky Kumar has also been granted bail.

Learned counsel further submits that though motive has been alleged against the co-accused Dharmbir Kumar, so far as this petitioner is concerned he had no dispute with the informant and her family and no motive had been attributed to him.

Learned counsel for the informant has though opposed the prayer for bail of the petitioner but has categorically admitted at the Bar that the case of this petitioner stands on a similar footing with that of the co-accused who have been granted bail by learned coordinate Bench of this Court.

Learned counsel for the informant has provided a copy of the order and submits that similar condition may be imposed upon



the petitioner also.

Mr. Amitesh Kumar, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions and the materials placed before this Court as noted above, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Munger in connection with Haveli Kharagpur P.S. Case No. 291 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Let the trial be expedited and in course of trial the petitioner must remain present on the date fixed in the matter and two consecutive defaults in putting appearance shall invite action towards cancellation of bail bond of the petitioner by the court below



itself.

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 steps 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.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

