

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35760 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- BHANGWANPUR HAT District- Siwan

Rahul Kumar @ Guddu Son Of Suresh Manjhi, R/O Village- Karahi-Khurd,
P.S.- Basantpur, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

8 21-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bhagwanpur Hat P.S. Case No. 71 of 2022 lodged under
Sections 302, 201 and 120B/34 of the I.P.C.

As per prosecution case, the informant has disclosed
that he is resident of District- Siwan and presently residing at
Delhi. Informant further submits that he received information
from his *Sarhu* Anup Bharti that his younger brother was
murdered and his dead body has thrown in the pond situated
near village-Sarhati, thereafter the informant talked with his
wife. She disclosed that two friends of deceased reached the

village from Calcutta and as per the information, the deceased went with his two friends named accused including the present petitioner but his brother disclosed to his *Bhabhi* that he will return after attending party with the petitioner and others thereafter his mobile become nonfunctional, on the next day the dead body of the deceased was recovered.

Learned counsel for the petitioner submits that the alleged date of occurrence is 24.03.2022 but F.I.R. has been lodged on 27.03.2022. He further submits that petitioner is innocent and has committed no offence. He further submits that antecedent of the petitioner is clean and he is in custody since 28.03.2022. Learned counsel further submits that there is no material found against the petitioner rather his name has figured by virtue of suspicion and subsequently in confessional statement it has been accepted that the petitioner along with other two persons had provided drink to the deceased and under conspiracy cut his neck and thereafter thrown his dead body in the pond. Learned counsel further submits that case diary and report has been called for in this case.

Learned counsel for the State opposes the prayer for bail and submits that in the confessional statement the name of the petitioner is there. Counsel further submits that the weapon

used in the crime has not been recovered but mode of commission of crime has been fully supported by the finding of the post mortem.

Learned counsel for the petitioner submits that commitment has already been made and charge has already been framed in this case. There are in total 8 prosecution witnesses which is to be examined.

In the present facts and circumstances of this case and the submissions made above that there is a case of strong suspicion and charge has been framed, I am inclined to grant bail to the petitioner on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Siwan in connection with Bhagwanpur Hat P.S. Case No. 71 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall

file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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