

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38023 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- KATORIYA District- Banka

Rahul Kumar @ Rahul Paswan Son Of Bishwanath Paswan @ Vishwanath
Das R/O Village- Manjira, P.S. And District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar @Deepak Sahay, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Katoriya P.S. Case No. 89 of 2022, lodged under Sections 302,
120(B), 34 of the Indian Penal Code read with Section 27 of
Arms Act and Section 3, 4 & 5 of the Explosive Substance Act.

The allegation made in the F.I.R. against the accused
persons named in the F.I.R. is that, they have murdered the
father of informant in broad daylight.

Learned counsel for the petitioner submits that after
minute reading of the F.I.R., it transpires that there is no eye
witness of the alleged occurrence and the present F.I.R. has been

filed on hearsay statement. Learned counsel for the petitioner further submits that petitioner is in custody since 02.04.2022 and there is one criminal case pending against the petitioner, in which he is on bail. Learned counsel for the petitioner further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is a case of brutal murder in the broad daylight, therefore, petitioner may not be granted bail.

Learned counsel for the petitioner further submits that two accused persons have already been granted bail by the Co-ordinate Bench of this Court vide order dated 20.09.2022 passed in Cr. Misc. No.28744 of 2022 & 36078 of 2022.

In response to same, learned counsel for the informant submits that the case of these two accused are little bit different because they are alleged to be the conspirator of the crime.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present, but liberty is hereby granted to the

petitioner to move for bail after framing of charge.

He may renew his prayer for bail after framing of charge before the Trial Court itself and the Trial Court is directed to release him on bail imposing conditions, so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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