

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48915 of 2021

Arising Out of PS. Case No.-190 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Raushan Kumar S/O Dinesh Yadav @ Dinesh Kumar R/O Village-Dubiyahi,
Ward No.05, P.S-Kishanpur, District-Supaul.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-04-2022 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 a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 302 of the Indian Penal Code.

According to prosecution case, the informant alleged that my two son namely Vikash Kumar and Vikram Kumar were studying in a room in the campus of J.K.J. Physics Classes and on 22.02.2021 when his elder son Vikash Kumar arrived on his renter room his younger brother Vikram Kumar was not present and another day he started searching then his dead body was found in a old toilet and informed the police and they came and



recovered the dead body for the postmortem.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and during course of investigation the name of the petitioner transpired only on the basis of confessional statement of co-accused namely, Asgar @ Barud. He further submits that except the confessional statement of co-accused and also self statement of the petitioner nothing has come against the petitioner. He further submits that similarly situated, co-accused, namely, Ajay Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 02.03.2021 passed in Cr. Misc. No. 38909 of 2021. The petitioner is in custody since 25.03.2021

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Saharsa P.S. Case No. 190 of 2021, 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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