

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49096 of 2021

Arising Out of PS. Case No.-448 Year-2020 Thana- MAJHAULIA District- West Champaran

Rahul Kumar Son of Sri Bashishth Mahto Resident of Village - Banuchhapar,
P.S. - Bettiah Muffasil (Banuchhapar O.P.), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-03-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as 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 302, 120-B/34 of the Indian
Penal Code.

According to prosecution case, on 26.06.2020 the
informant's son Subhash Yadav went to make payment of the
land to the land lord Lal Babu Srivastava and Ankit Srivastava
by motorcycle but he did not return in the night. On the next
day, the informant received information that a dead body is



lying in canal near village Ahwar Sheikh and when the informant went there he identified the dead body of his son Subhash Yadav over which there was several injuries. The informant has further stated that the accused persons named in the F.I.R. including the petitioner along with unknown persons have committed murder of his son under a planned conspiracy due to dispute regarding sale and purchase of the land.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that there is no eye witness of alleged occurrence and during investigation none of the witnesses appear to have given eye-witness-account of the alleged occurrence. He further submits that it appears from the F.I.R. that there is no motive against the petitioner and the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Rajiv Jha @ Rajiv Kumar Jha has been granted bail by a co-ordinate Bench of this Court vide order dated 08.03.2021 passed in Cr. Misc. No. 780 of 2021, co-accused namely, Sanwar Khan has been granted bail by a co-ordinate Bench of this Court vide order dated 20.05.2021 passed in Cr. Misc. No. 1864 of 2021,



other co-accused namely, Meraj Alam has been granted bail by a co-ordinate Bench of this Court vide order dated 01.07.2021 passed in Cr. Misc. No. 4529 of 2021 and other co-accused namely Afsar Alam @ Md. Afsar Alam @ Md. Afsar has already been granted bail by a co-ordinate Bench of this Court vide order dated 25.06.2021 passed in Cr. Misc. No. 12112 of 2021. The petitioner is in custody since 16.09.2020.

The learned counsel for the Informant as well as 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 Majhulia P.S. Case No. 448 of 2020, 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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