

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43030 of 2022**

Arising Out of PS. Case No.-395 Year-2020 Thana- KAUWAKOL District- Nawada

Karu Ram S/o Bhola Ram Resident of Village - Chhabail, P.S.- kauwakol,
District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 22-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Kauwakol P.S. Case No. 395 of 2020 registered for the offences
punishable under Sections 302, 120B and 34 of the Indian
Penal Code.

As per the prosecution, the informant's husband was
murdered by some unknown persons by means of a sharp
weapon.

The main submissions advanced by the learned
counsel Mr. Krishna Deo Raj for the petitioner are that the



petitioner is not named in the FIR and the FIR was lodged against unknown persons and as per the prosecution during the course of investigation co-accused Kamlesh Kumar revealed the role of this petitioner in the alleged crime and except this there is no any other material against the petitioner and co-accused persons namely Kamlesh Kumar and Kiran Yadav have been granted bail by a co-ordinate Bench of this Court vide orders passed in Cr. Misc. Nos. 26357 of 2021 and 53782 of 2021 respectively and the petitioner has been languishing in jail since 16.11.2021 and presently he is facing trial and upon him the charge has been framed by the Trial Court.

Learned APP Mr.Khurshid Anwar appearing for the State has opposed the bail prayer but against the petitioner's defence as to only the statement of co-accused being against the petitioner, no refuted submission has been made by the learned APP.

Heard both the sides and perused the FIR and the order impugned. Though the instant matter relates to murder but the FIR was lodged against unknown persons, the petitioner is not named in the FIR and the order of learned Court below goes to show that the petitioner has been implicated in this case mainly on the basis of statement of co-accused Kamlesh Yadav



and the same defence has been taken by learned counsel for the petitioner during the course of argument which has not been refuted by the learned APP. Considering these facts and also the fact that two co-accused persons including Kamlesh Kumar who revealed the role of this petitioner in the alleged crime are on bail granted by a co-ordinate Bench of this Court vide orders passed in above mentioned Cr. Misc. case, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Kauwakol P.S. Case No. 395 of 2020, on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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