

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57919 of 2021

Arising Out of PS. Case No.-47 Year-2021 Thana- AKHODHIGOLA District- Rohtas

Harendra Kharwar @ Harindra Kharwar S/O Binod Kharwar R/o village-
Musai Tola, P.S.- Akorhigola, District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58294 of 2021

Arising Out of PS. Case No.-47 Year-2021 Thana- AKHODHIGOLA District- Rohtas

Rabindra Kharwar @ Ravindra Kharwar S/o Vinod Kharwar Resident of
Musai Tola, P.S.- Akorhigola, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57919 of 2021)

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

Mr. Mithilesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.s

(In CRIMINAL MISCELLANEOUS No. 58294 of 2021)

For the Petitioner/s : Mr. Mithilesh Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2022 Heard learned senior counsel for the petitioners 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.

Petitioners seek bail in a case registered for the
offences punishable under Sections 302, 307, 323, 341/34 of the
Indian Penal Code.



According to prosecution case, the brother of the informant, namely, Subhash Kharwar was residing with his mother near Ramabaandh Bus stand for last one year. It is further stated that on .05.04.2021 co-accused Ravindra Kharwar and the petitioner Harindra Kharwar came and demanded the loan money Rs.10,000/- from Subhash Kharwar then the Subhash Kharwar said that he will pay this money after some days but both these accused persons took the Subhash Kharwar with them saying hat after working with them you pay our money then Subhash Kharwar went with them and on 05.04.2021 all the accused persons after starting the music loudly and closing the door of their house, started assaulting Subhash Kharwar by means of danda, fist and leg, by which the Subhash Kharwar sustained internal injuries in his stomach and chest. Subhash Kharwar went to Aurangabad hospital for their treatment where he told informant about incident and then the informant took Subhash Kharwar to the Ramabaandh, Aurangabad where after one day on 06.04.2021, Subhash Kharwar died due to the internal injuries in chest and stomach.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case only on the basis of suspicion. He



further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused person. He further submits that the date of occurrence took place on 05.04.2021 and the victim was expired on 06.04.2021 and the present F.I.R. was instituted on 09.04.2021 after delay of three days without explanation of delay. He further submits that during investigation nothing has come against the petitioners and the postmortem report also does not corroborate the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 09.04.2021.

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

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with S.Tr. No. 176 of 2021 arising out of Akorhigola P.S. Case No. 47 of 2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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