

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61245 of 2021**

Arising Out of PS. Case No.-32 Year-2020 Thana- RAHUI District- Nalanda

Rakesh Prasad @ Rakesh Kumar S/o Kapil Prasad R/o village- Murgiachak,
P.S.- Rahui (Wena), District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Ranjit Ranjan
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 25-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

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 connection with Rahui (Wena)
P.S. Case No. 32 of 2020 registered for the offences punishable
under Sections 341, 323, 307, 504, 506 and 34 of the Indian
Penal Code.

According to prosecution case, the informant in his
written statement stated that he is continued ploughing his
agriculture land for the last seven years. The accused called him
to take money in his Khatal and attacked him and his son Sujeet



Kumar also gave threatening to kill him alongwith whole family of the informant.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation against the petitioner. He further submits that in fact the petitioner was with the co-accused at the time of occurrence. He further submits that similarly situated, co-accused, namely, Rakesh Prasad has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.09.2021 passed in Cr. Misc. No. 13416 of 2021. The petitioner is in custody since 07.09.2021.

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 Chief Judicial Magistrate, Bihar Sharif, Nalanda in connection with Rahui (Wena) P.S. Case No. 32 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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