

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 1682 of 2022

Arising Out of PS. Case No.-490 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

RAJEEV KUMAR @ RAJEEV SAH S/o Late Sita Ram Sah Resident of
Village- Nagdah, P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offence punishable under Section 302 and 34 of the IPC and 27 of Arms Act.

Allegation against the petitioner is of indiscriminate firing causing death of Roshan Kumar @ Vikash Kumar.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that for the same occurrence, two FIRs have been lodged against the



petitioner first is Begusarai Town P.S.Case No.492 of 2020 and another is Begusarai Town P.S,Case No.490 of 2020 and the petitioner has falsely been implicated in both the cases. Further submits that the petitioner was arrested in Begusarai Town P.S.Case No.490 of 2020 on 18.09.2020 and has falsely been implicated in the present case.

Vide order dated 18.07.2022 a report was called for with regard to the present status of the trial. Report dated 25.07.2022 reveals that the charge has been framed against the petitioner on 13.12.2021 and till date no witness has been examined by the prosecution and the present report reveals that case is fixed for the prosecution evidence.

Learned counsel for the petitioner submits that in view of the report it appears that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 26.09.2021.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the inquest report as well as postmortem report corroborate the FIR version as alleged in the FIR. Further submits that the petitioner carries one more case other than the present one.



Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with S.Tr.No.359 of 2021 arising out of Begusarai Town P.S. Case No.490 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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