

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12936 of 2023

Arising Out of PS. Case No.-103 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Harshwardhan Kumar @ Daulat Kumar Son Of Late Bimal Singh R/O
Village- Pahsara, P.S.- Nawkothe, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanket, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
10.02.2022 in connection with Nawkothe P.S. Case No. 103 of
2021, F.I.R. dated 23.07.2021 for the offences punishable under
Sections 302, 120B/34 of the Indian Penal Code and Section 3/4
of the Explosive Substance Act, 1908.

According to prosecution case, 10 to 15 unknown
persons assaulted the son of the informant and threw bomb on
him due to which he died and then all the accused persons fled



away.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Subham Kumar @ Hathkatta. He further submits that except the confessional statement of the co-accused, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and even the CCTV footage of the occurrence also does not disclose the identity of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Subham Kumar @ Hathkatta has been granted bail by a co-ordinate Bench of this Court vide order dated 28.11.2022 passed in Cr. Misc. No. 46435 of 2022. The petitioner is in custody since 10.02.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one.



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 Judicial Magistrate- 1st Class, Begusarai in connection with Nawkothi P.S. Case No. 103 of 2021, 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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