

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7738 of 2023

Arising Out of PS. Case No.-33 Year-2021 Thana- PIPRA District- Supaul

MD. RAHUL @ RAHUL MIYA @ MD. RAHUL KHAN @ MD. RUHUL
KHAN Son of Noor Mohammad Khan R/v- Harihar Patti, P.S.- Pipra,
District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate.

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-05-2023 Heard the parties.

Petitioner seeks regular bail in connection with Sessions Trial No. 430 of 2022 arising out of Pipra P.S. Case No. 33 of 2021 dated 4.2.2021 registered for the offences punishable under Sections 398, 302, 307/120-B of the Indian Penal Code, Sections 25(1-b)A, 27 and 35 of the Arms Act.

As per the First Information Report, six unknown persons entered the shop of the informant's son and started looting on the point of gun and upon protest the accused persons fired on the chest of the informant's son leading to his death.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of confessional statement made by the co-accused. He further



submits that the co-accused persons who made the confessional statement, have been granted bail by this Court in Cr. Misc. 50157 of 2021 and other co-accused persons have also been granted bail in Cr. Misc. No. 11619 of 2022, who according to the petitioner are twelve in numbers. He next submits that the petitioner is in custody since 28.5.2022 but, no Test Identification Parade has been conducted uptill now.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-1st – cum Special Judge, Supaul, in connection with Sessions Trial No. 430 of 2022 arising out of Pipra P.S. Case No. 33 of 2021 subject to the following conditions:-

(i) That 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) That if the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Anil Kumar Sinha, J)

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