

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7215 of 2023

Arising Out of PS. Case No.-82 Year-2022 Thana- CHANPATIA District- West Champaran

1. LALAN PRASAD KUSHWAHA @ LALAN MAHTO S/O LATE JOKHAN MAHTO Resident of village- Bhangaha, P.S.- Chanpatia (Kumarbag O.P.), District- West Champaran.
2. AJEET KUMAR KUSHWAHA @ AJEET KUMAR S/O LALAN PRASAD KUSHWANA @ LALAN MAHTO Resident of village- Bhangaha, P.S.- Chanpatia (Kumarbag O.P.), District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Adv.
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Chanpatia (Kumarbag O.P.) P.S. Case No. 82 of 2022 dated 22.02.2022 registered for the offence under Sections 302/34 of the Indian Penal Code.

The son of the informant is alleged to have been killed at the instance of petitioners and others after hatching a conspiracy.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case merely on the basis of suspicion. He further submits



that the informant does not claim to be the eye witness to the alleged occurrence. He further submits that from bare perusal of the F.I.R., it appears that no allegation of assault or any overt act is attributed to the petitioners rather there is general and omnibus allegation leveled against the accused persons including the petitioners. He further submits that the co-accused, namely, Vineet Kumar Kushwana @ Vineet Kumar, against whom same allegation as leveled against the petitioner in the F.I.R is attributed to him, has already been granted bail by a co-ordinate Bench of this Court vide order dated 17.01.2023 passed in Cr. Misc. No. 36462 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 01.11.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatia (Kumarbag O.P.) P.S. Case No. 82 of 2022 with 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 canceled 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.

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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