

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11881 of 2023

Arising Out of PS. Case No.-448 Year-2020 Thana- MAJHAULIA District- West Champaran

AMAN KUMAR S/O SRI VIKASH KUMAR SRIVASTAVA @ VIKASH
SRIVASTV Resident of village- Purbi Banuchhapar, Ward No.- 01, P.S.-
Bettiah Muffasil (Banuchhapar O.P.), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
14.04.2021 in connection with Majhauria P.S. Case No. 448 of
2020, F.I.R. dated 27.06.2020 for the offences punishable under
Sections 302, 120-B/34 of the Indian Penal Code.

According to prosecution case, on 26.06.2020 the
informant's son Subhash Yadav went to make payment of the
land to the land lord Lal Babu Srivastava and Ankit Srivastava
by motorcycle but he did not return in the night. On the next
day, the informant received information that a dead body is
lying in canal near village Ahwar Sheikh and when the
informant went there he identified the dead body of his son



Subhash Yadav over which there was several injuries. The informant has further stated that the accused persons named in the F.I.R. including the petitioner along with unknown persons have committed murder of his son under a planned conspiracy due to dispute regarding sale and purchase of the land.

Learned Counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that there is no eye witness of alleged occurrence and during investigation none of the witnesses appear to have given eye-witness-account of the alleged occurrence. He further submits that it appears from the F.I.R. that there is no motive against the petitioner and similarly situated, co-accused, namely, Rajiv Jha @ Rajiv Kumar Jha has been granted bail by a co-ordinate Bench of this Court vide order dated 08.03.2021 passed in Cr. Misc. No. 780 of 2021, co-accused namely, Sanwar Khan has been granted bail by a co-ordinate Bench of this Court vide order dated 20.05.2021 passed in Cr. Misc. No. 1864 of 2021 other co-accused namely, Meraj Alam has been granted bail by a co-ordinate Bench of this Court vide order dated 01.07.2021 passed in Cr. Misc. No. 4529 of 2021 and other co-accused namely Afsar Alam @ Md. Afsar



Alam @ Md. Afsar has already been granted bail by a co-ordinate Bench of this Court vide order dated 25.06.2021 passed in Cr. Misc. No. 12112 of 2021 and another co-accused namely, Rahul Kumar has been granted bail by this Court vide order dated 29.03.2022 passed in Cr. Misc. No. 49096 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 14.04.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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, West Champaran, Bettiah in connection with Majhaulia P.S. Case No. 448 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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