

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11545 of 2023

Arising Out of PS. Case No.-138 Year-2022 Thana- MALSALAMI District- Patna

RAJA KUMAR Son of Sri Doman Mallah @ Doman Sahani R/o Mangal Ka
Akhada, Kali Asthan, P.S.- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 18.05.2022, in connection with Sessions Trial No. 910 of 2022 arising out of G.R. No. 195 of 2022 corresponding to Malsalami P.S. Case No. 138 of 2022, F.I.R. dated 12.03.2022 registered for the offences punishable under Sections 147, 149, 120(B), 302 of the Indian Penal Code.

As per prosecution story, the informant has alleged that his son Vikash Kumar was seen by one Raja Kumar to be going with the accused persons including the petitioner herein and later his dead body was found.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the informant is not an eye witness of the alleged occurrence and even no one is the eye witness of the alleged occurrence. He further submits that except suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and similarly situated co-accused persons namely Shankar Chaudhary has been granted bail by a Coordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 54792 of 2022, another co-accused person namely Gulshan Kumar has been granted bail by a Coordinate Bench of this court vide order dated 17.02.2023 passed in Cr. Misc. No. 64497 of 2022, another co-accused person namely Durga Kumar @ Durga Shani @ Durga Sahni has been granted bail by a Coordinate Bench of this Court vide order dated 16.02.2023 passed in Cr. Misc. No. 55172 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.05.2022.

Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned IV th Additiional District & Sessions Judge, Patna City, Patna in connection with Sessions Trial No. 910 of 2022 arising out of G.R. No. 195 of 2022 corresponding to Malsalami P.S. Case No. 138 of 2022, 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 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 witness, 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 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.

(Rajesh Kumar Verma, J)

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