

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12878 of 2023

Arising Out of PS. Case No.-132 Year-2019 Thana- RAJEPUR District- East Champaran

Anand Prasad Son of Rishavdeo Prasad @ Kishundeo Bhagat R/v- Madhuaha
Mal, P.S.- Rajepur, District- East 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. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
05.09.2022, in connection with Rejepur P.S. Case No. 132 of
2019, F.I.R. dated 02.10.2019 registered for the offences
punishable under Sections 302, 120B, 34 of the Indian Penal
Code.

The prosecution case, in short, is that the accused
Mukesh Kumar was stabbing the husband of the informant with
the help of knife, co-accused Rakesh Kumar was holding his
legs, co-accused Kishun Deo Bhagat and Raju Prasad were
holding his hands, co-accused Anand Prasad was assaulting him
by means of iron rod on his head and co-accused Rambabu
Prasad Bhagat was slitting his neck by means of Dabia, due to
which the husband of the informant died on the spot.



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 as per allegation in the F.I.R. that the petitioner has inflicted iron rod on the head of the deceased and the cause of death is due to haemorrhage as a result of cutting the main blood vessels of the neck of the deceased which is attributed against co-accused person namely Rambabu Prasad Bhagat. He further submits that co-accused namely Mukesh Kumar against whom the allegation that he assaulted the deceased with the knife has been granted bail vide order dated 30.10.2021 passed in Cr. Misc. No. 14438 of 2020. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.09.2022.

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

Considering the 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 Sub-Divisional Judicial Magistrate, Sadar, Motihari, East



Champaran in connection with Rajepur P.S. Case No. 132 of 2019, 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 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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