

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26314 of 2023

Arising Out of PS. Case No.-286 Year-2022 Thana- THAWE District- Gopalganj

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ADITYA KUMAR GUPTA @ RAHUL KUMAR @ RAHUL S/O
DINBANDHU PRASAD Resident of Village- Bideshi Tola, P.S.- Thawe,
District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-07-2023 Heard Mr. Ansul Kumar, learned counsel appearing

for the petitioner, learned counsel for the informant and the

learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
21.02.2023 in connection with Thawe P.S. Case No. 286 of
2022, F.I.R. dated 30.10.2022 registered for the offence
punishable under Sections 302/201/34 of IPC.

3. The FIR of the occurrence of murder is against
unknown.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits that
from bare perusal of the FIR it appears that the petitioner is not



named in the FIR. The name of the petitioner has been transpired during investigation after about four months of the date of occurrence i.e. on 25.02.2023 on the basis of the statement of the cousin brother of the deceased in para-149 of the case diary. Thereafter, the confessional statement of the petitioner was recorded in which he has accepted his guilt in the present occurrence, except the aforesaid, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and even no one has seen the alleged occurrence and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 21.02.2023.

5. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation on the basis of C.D.R. location that the petitioner was present at the time of occurrence.

6. Considering the aforesaid facts, 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 learned C.J.M.,Gopalganj in connection with Thawe P.S. Case No. 286 of 2022,with the



following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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