

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26765 of 2023

Arising Out of PS. Case No.-236 Year-2022 Thana- GRIYAK District- Nalanda

Pradhuman Kewat Son Of Suresh Kewat R/O Vill. Bakra, P.S.- Giriyak,
Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
21.05.2022 in connection with Giriyak (Pawapuri) P.S. Case No.
236 of 2022, F.I.R. dated 10.05.2022 for the offences punishable
under Sections 147, 148, 149, 341, 323, 386, 302, 504 and 506
of the Indian Penal Code.

According to prosecution case, the petitioner along
with other accused persons demanded extortion money from the
son of the informant and when he refuses, then one Ravi Kewat
fired upon him due to which he sustained injury and later on he



died.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears that there is specific allegation against the co-accused person, Ravi Kewat who shot fire upon the son of the informant and there is no allegation of assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Surendar Kewat @ Surendra Mallah and another have been granted bail by a co-ordinate Bench of this Court vide order dated 16.05.2023 passed in Cr. Misc. No. 10119 of 2023. The petitioner is in custody since 21.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one but fairly submits that the petitioner is acquitted in one case and he is on bail in two cases.

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



Additional Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Giriyak (Pawapuri) P.S. Case No. 236 of 2022, 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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