

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35152 of 2023

Arising Out of PS. Case No.-424 Year-2020 Thana- GRIYAK District- Nalanda

SAURABH KUMAR @ KHARHA @ PAWAN Son of Late Prashant Kumar
Resident of LIC Colony, Mahadev Market, Chitragupt Nagar, Yogipur More,
P.S. - Patrakar Nagar, Distt. - Patna, Permanent resident of Shreekant Tola,
Barahiya, P.S. - Barahiya, Distt. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anita Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

6 10-11-2023 Pursuant to the order dated 13.10.2023, Ms. Mamta Prasad, Dy S.P. (Headquarter), Nalanda is present in the Court.

2. Inadvertently statement has been made in Para 8 to the extent that petitioner – Saurabh Kumar @ Kharha @ Pawan Son of Late Prashant Kumar is stated to have been released along with Gyan Prakash Prasad. Instead of mentioning that he is in custody, it is wrongly stated as if he was released along with Gyan Prakash Prasad.

3. Dy. Superintendent of Police being a Class-I officer cannot make such serious error that too in a Court matter where affidavit has been filed. This Court would have initiated proceedings under Section 340 of Cr.P.C. However, having regard to the statement made by Dy S.P. (Headquarter),



Nalanda, Ms. Mamta Prasad in seeking apology I proceed to drop the proposed action under Section 340 of Cr.P.C. and proceed to impose cost of Rs. 1,000/- (Rupees One Thousand Only). Cost shall be remitted in the Patna High Court Legal Services Committee from her pocket not from the department.

4. The petitioner is one of the accused in Griyak (Pawapuri), P.S. Case No. 424 of 2020 (Session Trial No. 119 of 2022). Criminal proceedings were initiated for offences under Section 302 of Indian Penal Code read with Section 27 of Arms Act.

5. The petitioner is one of the accused who is in custody since 06.12.2021. The remaining accused were stated on bail by the Sessions Court. Earlier on 23.12.2022, petitioner's regular bail was rejected. Having regard to the fact that petitioner is in custody since 06.12.2021 and charge-sheet has been filed on 24.01.2022. However, Sessions Court has not yet framed the charges even to this day. Therefore, the petitioner has made out a case for granting regular bail under Section 439 of Cr.P.C. Accordingly, bail application is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned



Additional District Judge-I, Nalanda in connection with Session Trial No. 119 of 2022, Griyak (Pawapuri), P.S. Case No. 424 of 2020 subject to following conditions:-

(i) The petitioner shall co-operate in investigation and in conclusion of the trial.

(ii) He shall remain present on each and every date of trial till conclusion of trial.

(iii) He shall not try to tamper with the evidence or intimidate the witness to delay the conclusion of trial.

(iv) In the event of default of two consecutive dates without any valid reasons, his bail bonds is liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in the case, at any stage, it is found that petitioner had concealed his criminal antecedent, the court below or investigating authority shall take immediate step for cancelling bail bond of the petitioner. However, acceptance of bail bonds, in terms of the aforementioned order shall not be delayed for this purpose or in the name of verification.

(P. B. Bajanthri, J)

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