

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38851 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- BAISI District- Purnia

Rajesh Baski @ Rajesh Adiwasi Son of Mahadev Vasaki @ Mahadev Adiwasi
Resident of vill - Kathol, P.S. - Baisi, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Satyendra Kumar Jha, Advocate
		Mr. Shubham, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-08-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since
11.03.2023 in connection with Baisi P.S. Case No. 98 of 2023,
F.I.R. dated 02.03.2023 for the offences punishable under
Sections 365, 302, 201/24 of the Indian Penal Code.

4. According to prosecution case, the husband of the
informant went to the courtyard of one Kadam Lal after meeting
with the accused persons and the informant suspects that this
petitioner along with other accused persons have murdered the



husband of the informant.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the name of petitioner has been transpired on the basis of the disclosure made by the co-accused, namely, Lakhan and from perusal of the statement of Lakhan it appears that even Lakhan is not the eye witness of the alleged occurrence and at best the petitioner was the last person seen with the deceased and no one has seen the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 11.03.2023.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the CDR location of the petitioner was also found near the place of occurrence and the co-accused, Lakhan has raised suspicion that the petitioner might killed the deceased.

7. 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 Chief



Judicial Magistrate, Purnea in connection with Baisi P.S. Case
No. 98 of 2023, 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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