

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40791 of 2022

Arising Out of PS. Case No.-308 Year-2021 Thana- ARA NAGAR District- Bhojpur

Lathi @ Rahul Kumar Son Of Jyoti Prakash Saraf @ Jyoti Prakash Soni @
Chuttar R/O Mohalla- Bari Masjid, P.S.- Ara Town, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.A. Shamshi, Advocate
		Mr. Arjun Prasad, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 17-03-2023 Heard Mr. N.A. Shamshi, learned counsel for the
petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/201 of the Indian Penal
Code.

As per prosecution case, petitioner along with his
friends attacked Gautam Kumar Yadav (deceased) with knife
and when Ansu tried to save Gautam he was also given knife
blow as a result of which Gautam Kumar Yadav died due to
injury on vital organs.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner is not named



in the F.I.R. and the name of the petitioner has come during investigation only on the basis of statement recorded under Section 161 of the Cr. P.C. of the injured person namely Anshu Kumar. He further submits that it has come during investigation that the petitioner caught hold the deceased and the co-accused persons namely Jitu and Pritam assaulted the deceased with Chura. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner was remanded in the present case from Ara Town P.S. Case No. 314 of 2021 on 02.03.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

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 Court below where the case is pending in connection with Ara Town P.S. Case No. 308 of 2021, with 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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