

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41560 of 2023

Arising Out of PS. Case No.-223 Year-2023 Thana- DAUDNAGAR District- Aurangabad

Raushan @ Bamad Son Of Suryadeo Mahato Village Hichchhan Bighha, Ps-
Daudnagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupa Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-10-2023 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Daudnagar P.S. Case No.223 of 2023 , F.I.R. dated 14.04.2023 registered for the offence punishable under Sections 302, 120(b)/34 of the I.P.C and 27 of the Arms Act.

3. The prosecution case, in short, is that informant's husband got married her elder son against will of the informant and due to which she use to make protest for such act and in year 1995 her husband won the election of state assembly and also developed illicit relation with another lady and due to which the informant as well as her son use to protest for such act of his father. Further on 14/4/2023 a call was came to the mobile of the informant but she could not talked to her son and thereafter the informant went to the field, where her son was



irrigating the field and saw that her son was lying in the field and also saw a wound at right side of thigh and there after the informant called the police and it is further alleged that the informant has suspicion that her husband Ravindra Kumar Singh has made a conspiracy and with the help of Vinay Kumar, Sudhanshu, Raushan @ Bamard (petitioner), Ravi kumar, and Satyendra Mahto and other unknown person has shot dead her son. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Further submits that due to family dispute, partition suit is going on for which a Partition Suit No.153 of 2010 is pending before the learned court below and the informant is not the eyewitness of the alleged occurrence and merely on the basis of suspicion the petitioner has implicated in the present case. He further submits that statement of the informant recorded under Section 164 of the Cr.P.C., in which she has not stated anything about the petitioner and no other cogent material has come during investigation to suggest the involvement of the petitioner in the



present occurrence except the suspicion.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory 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 S.D.J.M., Aurangabad in connection with Daudnagar P.S. Case No.223 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory 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 antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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