

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43664 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- CHAUSA District- Madhepura

RAKESH KUMAR RAUSHAN S/O LATE SARVESH SAH Resident of
Village- Laualagam, Ward No- 06, P.S.- Chausa, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rashmi Jha, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302, 34 of the Indian Penal Code.

As per the prosecution case, on the alleged date and
time of occurrence, petitioner along with co-accused persons
were stacking bricks at joint house which was
protested by the informant. Thereafter, petitioner including co-
accused persons assaulted the informant with lathi, danda and
also assaulted his wife and son, as a
consequence whereof, son of the informant sustained injuries
and later on, died during course of treatment.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been



implicated in the present case. She further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner. In fact the petitioner's father is full brother of the informant and the present FIR has been instituted after 12 days of the occurrence and there is no explanation of delay in the FIR and the similarly situated co-accused person, namely, Nutan Devi and others have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 14.11.2022 passed in Cr. Misc. No. 33128 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 30.03.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 learned court below where the case is pending in connection with Chausa P.S.Case No.79 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/her absence on two consecutive dates without sufficient reason, his/her 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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