

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56348 of 2023

Arising Out of PS. Case No.-238 Year-2022 Thana- ALOULI District- Khagaria

ANMOL KUMAR @ ANMOL YADAV son of Pannalal Yadav Village-
Machhra Ps- Alauli Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 25.05.2023 in connection with Alauli P.S. Case No. 238 of 2022, F.I.R. dated 06.06.2022 for the offences punishable under Sections 302, 307/34 of the Indian Penal Code but the police after submitted a charge-sheet under Section 304 of the Indian Penal Code.

3. According to prosecution case, the informant alleges that his son has been killed by the four named accused persons and when he went at the place of occurrence all the four accused persons had fled from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case merely on the basis of suspicion. He further submits that the informant is not an eye-witness of the alleged occurrence and as per the allegation in the FIR, all the co-accused persons are alleged to have shot fired upon the deceased but the *post-mortem* report of the deceased does not support the allegation as alleged in the FIR and only one entry wound was found on the body of the deceased which does not supports the allegation of the prosecution. He further submits that similarly situated, co-accused, namely, Shashibhushan Kumar @ Goli has been granted bail by a co-ordinate Bench of this Court vide order dated 27.04.2023 passed in Cr. Misc. No. 72482 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 25.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner was also involved in the present crime in question and apart from the aforesaid the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail on the pending case.



6. 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, Khagaria in connection with Alauli P.S. Case No. 238 of 2022, 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)

Adnan/-

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