

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52365 of 2023

Arising Out of PS. Case No.-426 Year-2023 Thana- JAHANABAD District- Jehanabad

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Kaushal Kumar S/O Mahendra Paswan Resident Of Village- Chaurachak P.S-
Karpi, Distt.- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 23.05.2023, in connection with Jehanabad P.S. Case No. 426 of 2023, F.I.R. dated 09.05.2023 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. named co-accused persons are alleged to have got the informant's husband murdered by an unknown miscreant due to dispute over tender and money.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent 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 been transpired during investigation on the basis of confessional statement of co-accused person namely Rahul @ Lalu and except the confessional statement of co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person namely Shekhar Suman @ Shekhar Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 25.08.2023 passed in Cr. Misc. No. 53374 of 2023 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.05.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner had given the money to the accused person for committing the present crime in question.

6. 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 Chief Judicial Magistrate, Jehanabad in connection



with Jehanabad P.S. Case No. 426 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 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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