

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58363 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- NAYA RAM NAGAR District- Munger

KAUSHAL SAH @ KUMAR KAUSHAL SON OF SHANKAR SAH VILL
BHAGWAT SAH TOLA SINGHIYA PS- NAYARAM NAGAR (SAFIYA
SARAI OP.), DIST- MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Sr. Adv. Mr. Raj Kumar Choudhary, Adv.
For the Opposite Party/s	:	Mr. Abhay Kumar, APP
For the Informant	:	Mr. Chandan Kumar Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-09-2023 1. Heard Mr. Ashok Kumar Choudhary, learned Senior counsel for the petitioner, Mr. Chandan Kumar, learned counsel for the informant and Mr. Abhay Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 21.05.2023 seeks bail, in connection with Naya Ram Nagar (Safiya Sarai O.P.) P.S. Case No.149/2022, dated 11.08.2022, for the offences punishable under Sections 302/34 of the IPC but the charge sheet has been submitted under Section 306 of the IPC.

3. According to prosecution case, there is allegation against the co-accused namely Prabhat Ranjan called the son of the informant to his house and brutally assaulted the son of the



informant namely Manish Kumar, who died on way to the hospital. Informant has also named the petitioner along with other co-accused persons in his written report.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and 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. He further submits that from bare perusal of the F.I.R. it appears that the main allegation is against co-accused, namely, Prabhat Ranjan. Thereafter the informant has suspected that the petitioner and other co-accused persons have also involved in the present crime in question and there is no accusation of any assault or overt act against the petitioner and the petitioner was not present at the place of occurrence and he was in Maharashtra and the postmortem report suggests that the deceased has committed suicide himself. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.05.2023.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner



and submits that there is sufficient material come during investigation to suggest the involvement of the petitioner in the present occurrence but fairly submits that the postmortem report does not support the allegation as alleged in the F.I.R.

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 A.C.J.M.-1st, Munger in connection with Naya Ram Nagar (Safiya Sarai O.P.) P.S. Case No.149/2022, 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)

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