

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63931 of 2022

Arising Out of PS. Case No.-510 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Rajesh Kumar @ Rajesh Prasad @ Rajesh Prasad Yadav S/o Bharat Prasad @
Bharosh Rai @ Bharat Prasad Yadav Resident of village- Kataha, P.S.-
Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 201, 34 of the Indian
Penal Code.

Allegation against the petitioner is that he along with
other co-accused persons committed murder of the brother of
the informant.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that there is no eye witness of
the alleged occurrence and only on the basis of video footage
the petitioner has been falsely implicated in the present case. He



further submits that in the said video footage at best the petitioner may be the last in person with the deceased and it is not the conclusive proof of the murder of the deceased. He further submits that during investigation except the video footage, no other cogent material has come against the petitioner and the co-accused person namely Sajid Hussain @ Md. Sajid Hussain has been granted bail by a Coordinate Bench of this Court vide order dated 06.02.2023 passed in Cr. Misc. No. 50081 of 2022. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.04.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one in which he is on bail.

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 Court below where the case is pending in connection with Muffasil P.S. Case No. 510 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 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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