

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.414 of 2022

Arising Out of PS. Case No.-174 Year-2020 Thana- AGION (GARHANI) District- Bhojpur

BIR BAHADUR RAWANI S/o Ayodhya Rawani R/o vill- Posawa, P.S.-
Agaion (G), District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav

For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 02-01-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Agiaon
(G) P.S. Case No. 174 of 2020, registered for the offences
punishable under Sections 302 and 34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case as emerging from the FIR is
that the son of the informant had gone to attend *Shradh* in



Village Mathuri. Thereafter he became trace-less and his dead body was recovered in the ditch of Village Ramdihra.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the case is lodged against unknown and even after investigation, the case is running only on the confessional statement of co-accused, namely, Dharmendra Kumar Singh and even as per the confessional statement, Nirmal Yadav is the main accused who has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 25.05.2022 passed in Cr. Misc. No. 1926 of 2022. He also submits that other accused persons, namely, Krishna Singh, Sushil Kumar and Dharamendra Kumar Singh have already been enlarged on bail by different Benches of this Court vide orders dated 13.07.2022, 16.05.2022 and 17.05.2022, passed in Cr Misc. No. 69339 of 20221, Cr Misc. No. 69309 of 2021 and Cr Misc. No. 71816 of 2021 respectively.

He further submits that the petitioner has been languishing in jail since 02.11.2021.



It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. 1st ACJM, Bhojpur in connection with Agiaon (G) P.S. Case No. 174 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.



(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of



office objections.

(Jitendra Kumar, J)

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