

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1721 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

HARILAL PRASAD S/o Late Disha Prasad R/v- Brit Belwa, P.S.-
Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-04-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
11.02.2022 in connection with Kuchaikote P.S. Case No. 52 of
2022, F.I.R. dated 10.02.2022 for the offences punishable under
Sections 302, 120(B)/34 of the Indian Penal Code and Section
27 of the Arms Act.

Allegation against the petitioner as per F.I.R. is that he
prepare a conspiracy with to kill the husband of the informant
and they went to sale fish and during course of returning from
Raghuapur on 09.02.2022 when they reached near east side of
Rampur Bhisahi Kakanwan Brahmsthan all the accused
persons surrounded him and petitioner Hiralal Prasad and two



unknown accused persons caught hold him and Biru Prasad fired by fire arms and he received fire arm injury and he fell down on the earth and died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the date of occurrence as alleged in the F.I.R. is 09.02.2022 but the present F.I.R. was instituted on 10.02.2022 after delay of 24 hours without any explanation of delay. He further submits that bare perusal of F.I.R. it transpired that the allegation against the petitioner is that he caught hold the husband of the informant and Biru Prasad fired upon the husband of the informant. He further submits that the informant is not the eye witness of the alleged occurrence and only on the basis of hearsay the petitioner has falsely implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 11.02.2022.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than



the present one.

Considering the aforesaid facts and circumstances as well as period of custody, 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 1st Additional Chief Judicial Magistrate, Gopalganj in connection with Kuchaikote P.S. Case No. 52 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)

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