

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69305 of 2022

Arising Out of PS. Case No.-206 Year-2020 Thana- HASANPUR District- Samastipur

=====

Awdhesh Rai @ Awadhesh Kumar Rai S/o Hare Krishna Rai @ Hare Kishun
Ray R/o Ward No. 17, Musapur, P.S. and Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs. Veena Kumari Jaiswal, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 22.09.2021, in connection with Hasanpur P.S. Case No. 206 of 2020, F.I.R. dated 07.09.2020 registered for the offences punishable under Sections 120B, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is that he along with other co-accused persons called nephew of informant and committed murder of his nephew namely Bittu Kumar Singh.

Learned counsel for the petitioner submits that the petitioner carries two more cases other than the present one and he has been falsely implicated in the present case. He further submits that the informant is not an eye witness of the alleged



occurrence and merely on the basis of suspicion the petitioner has been implicated in the present case. He further submits that similarly situated co-accused person namely Abhisekh Rai @ Abhishek Ray @ Abhuishek Roy against whom the similar allegation has been granted bail by a Coordinate Bench of this Court vide order dated 16.05.2022 passed in Cr. Misc. No. 69345 of 2021, another co-accused persons namely Sarvesh Singh @ Sarbesh Singh has been granted bail by a Coordinate Bench of this court vide order dated 20.04.2022 passed in Cr. Misc. No. 19922 of 2022 respectively. He further submits that the charge has been framed against the petitioner on 01.06.2023 and the petitioner is in custody since 22.09.2021.

Learned APP for the State, on the other hand, on the basis of material available on record and the case diary, vehemently opposed the prayer for bail and submits that call details report suggests that the petitioner was present at the place of occurrence but fairly submits that there is no eye witness of the alleged occurrence and co-accused persons have been granted bail by the Hon'ble Court.

Considering the facts and circumstances of the case and the period of custody, 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 A.D.J. II, Rosera, Samastipur in connection



with Hasanpur P.S. Case No. 206 of 2020, 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)

Ibrar//-

U			
---	--	--	--

