

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65601 of 2022

Arising Out of PS. Case No.-288 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

Rajeev Kumar @ Munna Son of Late Ram Sagar Kunwar @ Late Ram Sagar
Kumar R/V- Itawa, P.S- Begusarai Muffasil (Singhaul), Dist- Begusarai
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Om Prakash Maharaj, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 307/34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, the petitioner along
with other accused persons surrounded and fired upon the
informant due to some admitted land disputes. It is further
alleged that on *hulla*, the accused persons escaped from there.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case due to
previous admitted land dispute. He further submits that it



appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 02.06.2022 but the present F.I.R. is instituted on 06.06.2022 i.e. after delay of 4 days without giving any explanation of the said delay. He further submits that the family member of the petitioner has filed the Begusarai Muffasil P.S. Case No. 280 of 2022 against the petitioner for the so called same occurrence. He further submits that the petitioner has been granted bail in the Begusarai Muffasil P.S. Case No. 280 of 2022 by the Court below itself. He further submits that no occurrence took place as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 3 criminal antecedents other than the present one.

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 Court below where the case is pending in connection with Begusarai



Muffasil (Singhaul) P.S. Case No. 288 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)

Vanisha/-

U		T	
---	--	---	--

