

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64991 of 2022**

Arising Out of PS. Case No.-101 Year-2022 Thana- BHAGWANPUR District- Begusarai

CHHOTU KUMAR @ CHHOTU @ RISHABH RAI @ RISHABH KUMAR  
S/O SIKANDAR RAY Resident of village- Pasopur, P.S.- Bhagwanpur,  
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Adv.  
Mr. Pushpendra Kumar Singh, Adv.  
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      03-05-2023                      Heard Mr. N.K.Agrawal, learned senior counsel for  
the petitioner and learned Additional Public Prosecutor for the  
State.

Petitioner seeks bail, who is in custody since  
22.08.2022 in connection with Bhagwanpur P.S. Case  
No.101/2022, F.I.R. dated 02.06.2022, for the offences  
punishable under Sections 302, 201/34 of the Indian Penal Code  
and Section 27 of the Arms Act.

According to prosecution case, some unknown  
miscreants killed the son of the informant after making shot fire  
and thereafter concealed his dead body in the well.

Learned counsel for the petitioner submits that the  
petitioner has falsely been implicated in the present case. He



further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of information given by the spy. He further submits that nothing has come during investigation to suggest the involvement of the petitioner in the alleged occurrence, except the suspicion and report of the spy. He further submits that the statement of the mother of the deceased was recorded, in which she has also raised suspicion against the petitioner and due to previous criminal antecedent of the petitioner, the petitioner has falsely been implicated in the present case without any evidence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 22.08.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries seven criminal antecedent other than the present one but fairly submits on the basis of supplementary affidavit that the petitioner is in bail in all the cases.

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 J.M.1st Class, Begusarai, in connection with Bhagwanpur P.S. Case No. 101/2022, 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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