

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67339 of 2022

Arising Out of PS. Case No.-147 Year-2019 Thana- CHAORI District- Bhojpur

=====

Rakesh Kumar S/O Late Surendra Singh @ Late Surendra Kumar Sharma
Resident of Village- Painal, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chauri
P.S. Case No. 147 of 2019 registered for the offence under
Sections 302 and 120(B) of the Indian Penal Code and Section
27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.08.2022.

The allegation against the petitioner is to commit
murder of son of the informant, along with named co-accused
persons/family members, for the reason that son of the
informant/deceased was in love-affairs and willing to marry



with daughter of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that admittedly, informant is not the eye witness of the occurrence, where entire implication is based upon suspicion. It is submitted that from the face of FIR, it is not even a case of last seen for the reason that deceased went on his own outside of his house at about 2:00 p.m. on the date of occurrence on the pretext of purchasing cloths from the market. It is submitted that on the date of occurrence, the daughter of the petitioner was in hostel of Mussoorie International School and for the said effect Annexure-2 is available with main bail petition, where age of daughter of petitioner appears 14 years at the time of occurrence and, as such, enmities arises out of love affairs is totally false. It is further submitted that having similar allegations, the son of petitioner/co-accused, namely, Sameer Kumar, has already been granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 9049 of 2021 vide order dated 12.08.2021. It is further submitted that dead body was recovered from an open area, somewhere 17 Kms far from the village of the petitioner, which is not connected in any manner with the petitioner. It is further submitted that deceased was a man of criminal antecedent and



found involved in heinous offences like preparation for dacoity, arms act and also to deter police officials/public servant to discharge official function and as such involved in 3 to 4 such cases. It is also submitted that there is all probability that son of the informant might be killed by others. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that petitioner is named in FIR, having allegations of active participation in the present occurrence.

In view of the facts and circumstances as mentioned above, as save and except suspicion, where informant is not the eye witness of the occurrence and nothing incriminating surfaced/recovered, during the course of investigation, to connect the petitioner, *prima facie*, with the present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chauri P.S. Case No. 147 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at



Ara/concerned Court, subject to the conditions as laid down u/s
437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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

