

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67713 of 2022

Arising Out of PS. Case No.-35 Year-2018 Thana- KAUWAKOL District- Nawada

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KHELABAN RAJBANSHI @ KHELAVAN RAJVANSHI S/o Rambriksh
Ranbanshi R/v- Benipur, P.S.- Kawakole, District- Nawada... .. Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-04-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
17.06.2022 in connection with Kawakole P.S. Case No. 35 of
2018, F.I.R. dated 22.02.2018 registered for the offence
punishable under Sections 147, 148, 149, 341, 323, 504, 506,
384, 379 of IPC and Section 27 of the Arms Act

The prosecution case, in short, is that the informant
alleged that on 22.02.2018 he was loading soil over this tractor
then the accused persons including the petitioner, who wearing
police uniform, came there and assaulted the labour, who were
loading soil over the tractor and drove them away. They took
away his tractor and the driver. They have assaulted the driver
and took away his mobile phone. They demanded Rs. Two Lakh
from him to release his tractor.

Learned counsel appearing for the petitioner submits



that the petitioner has falsely been implicated in the present case due to demand of ransom from the informant. Further submits that no such occurrence had taken place as alleged in the FIR and the present FIR is false and concocted and the co-accused persons, namely, Lakhan Rajbanshi, Rajesh Yadav @ Rakesh Kumar, Babloo Yadav, Sakindra Yadav @ Sako Yadav and Chandan Yadav have already been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 06.05.2019, 07.01.2020, 27.05.2020, 08.09.2021 and 07.12.2021 passed in Cr. Misc. Nos. 30016 of 2019, 76326 of 2019, 83897 of 2019, 10888 of 2021 and 28113 of 2021 respectively and the case of the petitioner is on similar footing and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 17.06.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-1 of the supplementary affidavit.

Considering the aforesaid fact, 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 learned A.C.J.M.-IV, Nawada in connection with Kawakole P.S. Case No. 35 of 2018, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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