

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69635 of 2022

Arising Out of PS. Case No.-585 Year-2020 Thana- AGAMKUAN District- Patna

RAKESH KUMAR @ RAUSHAN KUMAR S/O RAMBALI RAVIDAS
Resident of village- Gonpura, P.S.- Chandi, District- Nalanda at present
Bhagwat Nagar, P.S.- Agamkuan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr.Advocate
	:	Mr. Saroj Chaudhari, Advocate
	:	Ms. Diksha Kumari, Advocate
	:	Mr. Kumar Rajdeep, Advocate
	:	Mr.Amresh Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-06-2023 Heard Mr. N.K.Agrawal, learned senior counsel

appearing for the petitioner and the learned A.P.P. for the

State.

The petitioner seeks bail, who is in custody since
21.03.2022 in connection with S.Tr.No.1337 of 2022 arising
out of Agamkuan P.S. Case No. 585 of 2020, F.I.R. dated
06.09.2020 registered for the offence punishable under
Sections 302,120B/34 of IPC.

As per the FIR, the informant alleged that he got
information that some unknown persons have killed his
brother, Vikash Kumar after having given him 'knife' blow.



Further upon enquiry, he came to know that the named accused persons have played role in the killing of his brother. Thus, the present FIR has been lodged.

Learned senior counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case merely on the basis of suspicion. Further submits that the informant is not the eye witness of the alleged occurrence and the allegation as alleged in the FIR is false and fabricated. The petitioner has not committed any offence as alleged in the FIR and nothing has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and from bare perusal of the FIR it transpires that there is no allegation attributed against the petitioner and the similarly situated co-accused person, namely, Gautam Kumar has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 16.12.2022 passed in Cr. Misc. No.56587 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 21.03.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly



submits that the petitioner is on bail in the said case.

Considering the facts and circumstances of the case, 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 ^{1st} Additional District and Sessions Judge, Patna City, Patna in connection with S.Tr.No.1337 of 2022 arising out of Agamkuan P.S. Case No. 585 of 2020, 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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