

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74063 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- MAHARAJGANJ District- Siwan

Surendra Prasad @ Rajesh Kumar Prasad S/o Sri Shrawan Prasad R/v- Balia,
P.S.- Maharajganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mahesh Naryan Parbat, Sr. Advocate Mr. Praveen Prabhakar, Advocate
For the Opposite Party/s :	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard Mr. Mahesh Narayan Parbat, learned Senior
counsel for the petitioner assisted by Mr. Ved Prakash, and
learned APP for the State.

Petitioner seeks bail, who is in custody since
17.08.2022, in connection with Maharajganj P.S. Case No. 135
of 2022, F.I.R. dated 07.05.2022 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per the prosecution case, all the accused persons in
collusion with each other had killed the husband of the
informant by causing fire arms injury.

Learned Senior counsel for the petitioner submits that
the petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that due to



admitted land dispute the petitioner and their family members have been falsely implicated in the present case. He further submits that the informant is not the eye witness of the alleged occurrence and even no one has seen the alleged occurrence and only on the basis of suspicion, the petitioner and other co-accused persons have been made accused in the present case. He further submits that co-accused person namely Shrawan Prasad @ Shrawn Prasad and Birendra Prasad have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 19.06.2023 passed in Cr. Misc. No. 74812 of 2022 and its analogous case, another co-accused person namely Jawahar Prasad @ Javahar Lal Prasad has been granted bail by a Coordinate Bench of this Court vide order dated 22.12.2022 passed in Cr. Misc. No. 49474 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Siwan in connection with Maharajganj P.S. Case No. 135 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 witness, 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 antecedents, 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.

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(Rajesh Kumar Verma, J)

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