

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5710 of 2023

Arising Out of PS. Case No.-160 Year-2019 Thana- GUTHANI District- Siwan

Vikash Rajbhar @ Vikash Kumar Rajbhar @ Vikash Kumar Bhar Son of
Nandji Rajbhar @ Nand Kishore Bhar Resident of Village - Gayaspur, P.S.-
Guthani, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
08.05.2022, in connection with Guthani P.S. Case No. 160 of
2019, F.I.R. dated 10.10.2019 registered for the offences
punishable under Sections 363, 302, 201/34 of the Indian Penal
Code.

3. Five persons, including the petitioner, called the
informant's brother in the evening. His belongings including
some clothes have been found in the paddy crops on the next
day and the informant claimed that all the accused persons have
committed murder of his brother and thrown the dead body in a
river for concealing the evidence.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the basis of suspicion. He further submits that the petitioner and other co-accused persons have called the brother of the informant and thereafter the brother of the informant disappeared and the informant alleged that the petitioner and other co-accused persons might killed the brother of the informant. He further submits that except suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused persons namely Shivji Rajbhar @ Shivjee Bhar and Ramu Rajbhar have been granted bail by a Coordinate Bench of this Court vide order dated 18.03.2021 passed in Cr. Misc. No. 382 of 2021, another co-accused person namely Ram Ekbal Rajbhar @ Ramekbal Rajhar has been granted bail by a Coordinate Bench of this Court vide order dated 05.01.2022 passed in Cr. Misc. No. 45357 of 2021, another co-accused person namely Prabhunath @ Prabhunath Rajbhar has been granted bail by a Coordinate Bench of this Court vide order dated 23.02.2022 passed in Cr. Misc. No. 56068 of 2021 respectively. He further submits that the police after investigation submitted chargesheet



against the petitioner and the petitioner is in custody since 08.05.2022.

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

6. 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 Chief Judicial Magistrate, Siwan in connection with Guthani P.S. Case No. 160 of 2019, 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.

(Rajesh Kumar Verma, J)

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