

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8249 of 2024

Arising Out of PS. Case No.-323 Year-2022 Thana- MAHUA District- Vaishali

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Rahul Kumar S/o Sanjay Singh R/o Village-Vishunpur Bande @ (Bande),
P.S.-Bhagwanpur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 10-04-2024 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Mahua P.S. Case No. 323 of 2022 dated 12.05.2022, lodged
under Sections 302, 120(B) and 34 of the I.P.C. read with
Section 27 of the Arms Act.

3. Learned senior counsel for the petitioner submits
that the bail application of the petitioner has earlier been
rejected vide order dated 25.02.2023 passed in Cr. Misc. No.
62323 of 2022 in which categorical direction has been given to
the Trial Court to expedite the trial within 9 months. He submits
that it has already been observed in the order-sheet that
unknown persons might have killed the deceased but
petitioner's name has given in this case under deep rooted

conspiracy but after even lapse of about more than one year, the trial has not been concluded.

4. Learned counsel for the State opposes the prayer for bail and submits that it is a case of Sections 302, 120(B) and 34 of the I.P.C.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 323 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

6. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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