

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17399 of 2024

Arising Out of PS. Case No.-375 Year-2023 Thana- WAJIRGANJ District- Gaya

Rakesh Kumar @ Chotu Lal S/O- Ravinder Singh R/O- Village- Mayapur,
P.S.- Wazirganj, Dist.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Parmanand Prasad, APP
For the Informant	:	Mr. Manish Kumar No.2, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-06-2024 Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioner, Mr. Parmanand Prasad, learned Additional Public Prosecutor for the State as well as Mr. Manish Kumar No.2, learned counsel appearing on behalf of the informant.

2. The petitioner is apprehending his arrest in connection with Wazirganj P.S. Case No. 375 of 2023, F.I.R. dated 22.06.2023 for the offences punishable under Sections 302, 307, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, on 21.06.2023 at about 9:30 P.M., when the husband of the informant was returning home from the market through his motorcycle. While



he was on the way, he has been killed by gun shot fired by the petitioner under conspiracy with co-accused persons.

4. Learned senior counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that informant is not the eye witness of the occurrence only on the basis of the informant received from Jai Krishna Kumar and Chunnu Singh, the present FIR has been instituted against the petitioner and other co-accused persons. He further submits that except the suspicion the informant has nothing stated in the FIR against the petitioner. He further submits that co-accused person, namely, Ravindra Singh @ Chandrabhushan Singh @ Ravinder Singh has already been granted anticipatory bail by this Court vide order dated 29.02.2024 passed in Cr. Misc. No. 73646 of 2023 and another co-accused person namely, Rahul Kumar has also been granted anticipatory bail by this Court vide order dated 10.04.2024 passed in Cr. Misc. No. 17284 of 2024.

5. Learned Additional Public Prosecutor for the State as well as learned counsel for the informant, on the other hand, have vehemently opposed the prayer for bail of the petitioner



and submits that petitioner is named in the FIR apart from that petitioner carries four criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances and the fact that other co-accused persons have also been granted anticipatory bail by this Court and only on the basis of the suspicion the petitioner has been made accused in this case, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned A.C.J.M., 1st Gaya in connection with Wazirganj P.S. Case No. 375 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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