

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17284 of 2024

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

Rahul Kumar Son Of Ravinder Singh Village -MAYAPUR Ps -WAZIRGANJ
District -GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-04-2024 Heard Mr. Krishna Prasad Singh, learned senior
counsel appearing for the petitioner and Mr.Parmanand Prasad,
learned Additional Public Prosecutor for the State.

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

3. Prosecution case, in brief, as per informant is that
on 21-06-2023 at about 9.30 PM., her husband was returning
home from the Tarwan bazaar through his motorcycle. While he
was on the way, he has been killed by gun shot fired by the
accused/petitioner under conspiracy with the co-accused
persons. It is further stated that prior to the incident co-accused



persons were continuously threatening informant that her husband will not survive for long time.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case merely on the ground of suspicion. Further submits that from a bare perusal of the FIR it appears that the informant is not the eye witness of the alleged occurrence and on the basis of the disclosure made by Jai Krishna Kumar and Chunnu Singh, the informant has filed the present FIR against the petitioner and other co-accused persons and nothing has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. Further submits that the co-accused person, namely, Ravindra Singh @ Chandrabhushan Singh @ Ravinder Singh has been granted privilege of anticipatory bail by this Court vide order dated 29.02.2024 passed in Cr. Misc. No.73646 of 2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the FIR and apart from the aforesaid the petitioner carries four more cases other than the present one but fairly submits that out of four cases, in one case, the final form has been submitted inn



favour of the petitioner and in one case the petitioner is on bail and rest two cases are pending for consideration before the appropriate forum, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his 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 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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