

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22011 of 2024

Arising Out of PS. Case No.-1572 Year-2023 Thana- PHULWARISHARIF District- Patna

Aakash Kumar @ Akash Kumar @ Bhola Kumar S/o Dukhan Rai R/o vill -
Hinduni, P.s. - Phulwarisharif, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2024 Heard Mr.Lakshmindra Kumar Yadav, learned
counsel for the petitioner and Mr.Bhanu Pratap Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Phulwarisharif PS Case No. 1572 of 2023, FIR dated 06.11.2023, registered for the offences punishable under Sections 341, 323, 504 and 302 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the informant came to know from a friend of his nephew that his nephew is involved in a scuffle with FIR named accused persons. It is further alleged that with the help of police the dead body of informant's nephew was recovered from water.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent. He has falsely been implicated in the present case. Petitioner is not named in the FIR and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Lal Babu. Further submits that from a bare perusal of the confessional statement of co-accused person, namely, Lal Babu which has been recorded in para-14 of the case diary it transpires that co-accused person had not stated anything about the petitioner that he has participated in the crime in question. In fact no one has seen the crime and in question and except the suspicion and confessional statement of co-accused person, namely, Lal Babu, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the co-accused person has named two persons, namely, Ganesh Kumar @ Santosh Kumar and the petitioner and said Ganesh Kumar @ Santosh Kumar has been granted privilege of anticipatory bail by this Court vide order dated 14.03.2024 passed in Cr.Misc. No.17732 of 2024 and the case of the petitioner is on similar footing.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.



6. Considering the aforesaid facts and petitioner has clean antecedent and co-accused person, namely, Ganesh Kumar @ Santosh Kumar has been granted privilege of anticipatory bail by this Court, 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 ACJM-XIV, Patna in connection with Phulwarisharif P.S. Case No. 1572 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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