

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23556 of 2024

Arising Out of PS. Case No.-311 Year-2023 Thana- RUPASPUR District- Patna

Bhola Kumar @ Raushan Kumar son of Mithilesh @ Mithai Lal @ Mithlesh Kumar, R/o- Gola Ghat, Sah Toli, PS- Danapur, Dist- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ghanshyam Tiwary, Advocate
For the Opposite Party : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-07-2024 Heard Mr. Ghanshyam Tiwary, the learned counsel for the petitioner and Mr. Raj Kishor Singh, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 23.01.2024, in connection with Rupaspur P.S. Case No. 311 of 2023, FIR dated 27.04.2023, registered for the offences punishable under Sections 302 and 120(B) read with Section 34 of the Indian Penal Code and under Section 25(1-b)a, 2w6, 35 and 27 of Arms Act.

3. According to the prosecution case, the co-accused persons threatened to kill the son of the informant on 27.04.2023 and on the same day in the evening, son the informant was found murdered by firing near Chulayichak.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that name of petitioner transpired on the basis of confessional statements of co-accused person namely, Mamta Kumari @ Pinki Devi and Chhotan Kumar @ Chhotan Singh and they have stated that petitioner has provided vehicle and arms, which were used in the crime in question and bare perusal of the confessional statements of the co-accused persons, it appears that there is no allegation of any assault or overt act attributed against the petitioner and the co-accused persons namely, Mamta @ Mamta Kumari has been granted bail by the Court vide order dated 11.08.2023 passed in Cr. Misc. No. 47596 of 2023 and other co-accused person namely, Chhotan Kumar @ Chhotan Singh has also been granted bail by a co-ordinate Bench of this Court vide order dated 07.11.2023 passed in Cr. Misc. No. 70337 of 2023. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 23.01.2024.

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



6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Danapur (Patna), in connection with **Rupaspur P.S. Case No. 311 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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