

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30412 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- CHAPRA KACHARI RAIL P.S. District-
Saran

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Rakesh Kumar S/O Late Omnath Prasad @ Om Nath Prasad R/O Mohalla-
Utari Dahiyawa Tola, P.S- Chapra Town, Distt.- Saran, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saket Anand, Adv.
For the Opposite Party/s : Mr.Abhay Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 30-04-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Chapra Kachahri Rail P.S. Case No. 278 of 2023 dated 22.12.2023 registered for the offences punishable u/ss 302 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, 5-6 unknown miscreants are alleged to have assaulted the informant's son with knife due to which he sustained injury. Thereafter, the informant's son was taken to the hospital where he was declared dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The petitioner has been arrested then confessional statement of the petitioner has been



recorded in this case which leads to no recovery of any incriminating article in connection with this instant case. No T.I.P. has been conducted by the prosecution. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 29.12.2023.

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

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Saran at Chapra in connection with Chapra Kachahri Rail P.S. Case No. 278 of 2023, with the condition/s:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

(ii) The court below shall verify the criminal antecedent of the petitioner and



at any stage, if 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.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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