

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33680 of 2024

Arising Out of PS. Case No.-527 Year-2023 Thana- ISLAMPUR District- Nalanda

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Ashok Kevat, Son of Meghan Kevat @ Meghan Chauhan, R/O at Mojahidpur,
P.S.- Islampur Distt- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Niraj Kumar, Adv.
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP
For the Informant	:	Mr. Ravindra Kumar Tiwari, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 31-07-2024 Heard Mr. Niraj Kumar, learned counsel for the petitioner and learned Additional Public Prosecutor for the State. The informant is represent by Mr. Ravindra Kumar Tiwari, learned counsel.

2. The petitioner seeks regular bail, who is in custody in connection with Islampur P.S. Case No. 527 of 2023 registered for the offence punishable under Section 302 read with 34 of the Indian Penal Code.

3. Allegedly, when co-accused Birendra Chauhan, who was a labour contractor was not provided labourer despite payment of Rs. 15 lac, the informant along with other persons went to his house at village Mojahidpur by Scorpio bearing registration no. BR01PF-6131 to get his money returned,



whereupon co-accused Birendra Chauhan called upon 9-10 unknown persons and all of them started assaulting the informant and his associates. It is specifically alleged that Birendra Chauhan assaulted one Arun Kumar by means of iron rod over his head due to which he sustained serious injury leading to his death.

4. It is submitted on behalf of the petitioner that the petitioner is not named in the FIR. However, during the course of investigation, the name of the petitioner surfaced on the confessional statement of co-accused Birendra Chauhan. However, the confessional before the police is hit by Sections 25 and 26 of the Evidence Act, is the contention of learned counsel for the petitioner. It is further contended that the postmortem report suggests only one injury over the occipital region of the deceased, which is attributed to co-accused Birendra Chauhan. It is next contended that the petitioner is a man of clean antecedent and even if the materials collected during the course of investigation is taken to be true that the petitioner had participated in the crime, he can said to be a member of unlawful assembly. Moreover, the petitioner has remained in custody for over a period of six months; the investigation of the crime is complete and the charge-sheet has



been submitted.

5. On the other hand, learned counsels for the State as well as the informant vehemently opposed the bail application and submitted that the petitioner was put on T.I. parade where he was identified by other persons that this petitioner was also present at the place of occurrence armed with weapon along with other persons. It is also contended that had the petitioner not participated in the crime, co-accused Birendra Chauhan would not have killed the deceased.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of allegation only against co-accused Birendra Chauhan, which is also corroborated by the postmortem report, coupled with the fact that the petitioner is a man of fair antecedent and is in custody since 12.01.2024, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa, Nalanda in connection with Islampur P.S. Case No. 527 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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