

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48711 of 2024

Arising Out of PS. Case No.-342 Year-2023 Thana- WARISLIGANJ District- Nawada

Raghunath Singh @ Raghunandan Singh Son Of Shankar Singh @ Shankar
Prasad Sharma Village- Bakma, P.S.- Bhadaur, Distt.- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Richa, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-09-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Warisaliganj P.S. Case No. 342 of 2023, registered for the offence punishable under Sections 302/34 and 120 (B) of the Indian Penal Code and Section 27 of the Arms Act.

3. Based upon the written report, the informant alleged that the brother of the informant was done to death by some unknown miscreants by resorting firing on his head and chest.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown miscreants. During the course of investigation, the name of the petitioner surfaced



on the confessional statement of co-accused Rahul Kumar. On the alleged date of occurrence, the petitioner has been incarcerated in judicial custody in connection with Krishnapuri P.S. Case No. 422 of 2022 under Sections 302 and 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act. It is next contended that even during the course of investigation, it has not transpired that the petitioner has played any active participation in conspiring to kill the deceased, save and except the suspicion. Though, the impugned order suggest that co-accused Rahul Kumar was in touch with the petitioner on Whatsapp chat and call, but the same is unfounded and baseless for the simple reason that no mobile has been recovered from the possession of the petitioner, as at that point of time, he was in Beur Jail. It is next contended that only on account of long list of criminal antecedent, his name has been implicated in this case, without there being any cogent evidence. Mere antecedent of a person cannot be a sole ground to keep him behind the bar unless there is other materials. It is lastly contended that co-accused Rahul Kumar, on whose confession the name of the petitioner surfaced, he has been allowed the privilege of regular bail by co-ordinate Bench of this Court in Cr. Misc. No. 65373 of 2023 vide order dated 01.12.2023.



5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is said to be the main conspirator in causing the death of the brother of the informant. Materials have also collected during the course of investigation pointing out the complicity of the petitioner in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of materials available on record, which is only based on confessional statement and suspicion, coupled with the period of custody for over a period of one year, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge 3rd, Nawada in connection with Warisaliganj P.S. Case No. 342 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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