

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46755 of 2024

Arising Out of PS. Case No.-746 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

Rahul Kumar Son of Pappu Kumar @ Pappu Mahto R/o Vill.- Bagha, P.S.-
Town (Lohiyanaga O.P.), Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No 1, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Randhir Kumar No. 1 learned counsel
for the petitioner and Mr. Binod Kumar, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
01.12.2023 in connection with Begusarai Town P.S. Case No.
746 of 2023, F.I.R. dated 29.11.2023 for the offences
punishable under Sections 363, 365 and 34 of the Indian Penal
Code and later on Sections 302, 201 and 120B of the Indian
Penal Code were added.

3. According to prosecution case, two accused
persons including this petitioner have taken the informant's son
with them. Later on, the dead body of the informant's son was
found on PCC road, Lohiyanagar near Railway Station.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the date of occurrence as alleged in the F.I.R is 27.11.2023 but the present F.I.R has been instituted on 29.11.2023 i.e. after delay of two days without giving any explanation of the said delay. He further submits that as per the allegation, the petitioner was last seen with the deceased and no one has seen the alleged occurrence. Except the suspicion, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 01.12.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation on the basis of CDR location that the petitioner was in regular touch with the deceased and the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in



the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Judicial Magistrate 1st Class, Begusarai in connection with Begusarai Town P.S. Case No. 746 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 court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his 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 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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