

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53760 of 2024

Arising Out of PS. Case No.-150 Year-2024 Thana- MINAPUR District- Muzaffarpur

Subodh Kaushik @ Subodh Kumar SON OF LATE RAM KARAN SAH
village -daud chhapra p.s -minapur district -muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Md. Matloob Rab, APP
For the Informant	:	Mr. Devendra Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with
Minapur P.S. Case No. 150 of 2024 instituted for the offences
under Sections 302/34 of the IPC and 27 of the Arms Act.

3. Prosecution case, in short, is that three accused
persons boarded on a motorcycle having no registration place
came and one of them indiscriminately fired upon the
informant's husband leading to his death.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is not named in the F.I.R. The name of the petitioner



has transpired during investigation only on the basis that some money transaction took place between the petitioner and the deceased. Learned counsel further submitted that except suspicion, no material is available against the petitioner. Learned counsel further submitted that petitioner is not a contractor nor he has taken any contract for supply of bench-desk to any school. It has been submitted on behalf of the petitioner that the petitioner is in custody since 06.06.2024 and has twelve criminal antecedents.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant has filed counter-affidavit in the matter and submitted that this petitioner is hard core criminal. Learned counsel for the informant further submitted that a huge amount of money, i.e. approximately Rs. 55 lakhs, was due and the same was withheld by the supplied company namely M/s Prince Enterprises and the agency declined to pay the amount to the deceased and asked the deceased to contact this petitioner for the said money. Learned counsel for the informant further contended that this petitioner paid only 8 lakhs and he refused to pay the rest amount and, with a view to eliminate him, the petitioner cooked up the



conspiracy to kill the deceased. Learned APP for the State submitted that during investigation, the informant has specifically stated in her re-statement, as per paragraph no. 14 of the case diary, that murder of her husband was committed by the petitioner and she has also stated that the furniture was supplied to the schools by the Contractor Subodh Kaushik (petitioner) and this petitioner only paid Rs. 8,00,000/- to the deceased. Learned APP further referring to paragraph nos. 15, 16 and 17 of the case diary submitted that several witnesses have supported the case of the prosecution. Learned counsel, therefore, pray that the accused-petitioner may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case, and the fact that there is no material against the petitioner except the financial transaction that took place between the petitioner and the deceased, as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Minapur P.S. Case



No. 150 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(IV) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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