

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10771 of 2024

Arising Out of PS. Case No.-291 Year-2015 Thana- GHOSI District- Jehanabad

Rajeev Kumar S/o Dudhnath Sharma R/o Vill - Ginjee, P.S. - Ghoshi, Dist. - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 63198 of 2024
In
CRIMINAL MISCELLANEOUS No.10771 of 2024

Arising Out of PS. Case No.-291 Year-2015 Thana- GHOSI District- Jehanabad

Arun Singh Son of Late Tirpit Narayan Singh @ Triptnarayan Singh R/O Vill.- Kirtipur, P.S.- Parbalpur, Dist.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rajeev Kumar Son of Dudhnath Sharma R/O Vill.- Ginjee, P.S.- Ghoshi, Dist.- Jehanabad.

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 10771 of 2024)
For the Petitioner/s : Mr. Jharkhandi Upadhyay
Mr. Akash Kumar Mishra
For the Opposite Party/s : Mr. Binod Kumar
(In CRIMINAL MISCELLANEOUS No. 63198 of 2024)
For the Petitioner/s : Mr. Deepak Kumar Singh
For the Opposite Party/s : Mr. Rajendra Singh
For the O.P. NO. 02 : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 30-08-2024 **Ref:- Cr. Misc. No. 10771 of 2024**

Heard the parties.

2. Vide order dated 28.06.2024, the petitioner was



granted bail. He is directed to be released on bail, if not released, as per the order dated 28.06.2024.

3. This application is consigned.

Ref:- Cr. Misc. No. 63198 of 2024

This is an application for modification of the order dated 28.06.2024 passed by this Court in Cr. Misc. No. 10771 of 2024 only to the extent that the order dated 28.06.2024 whereby and where under the O.P. No. 02 (herein) has been granted bail by this Court relying upon the submissions made in para-5 and 7 of the aforesaid order, which are false and misleading submissions made on behalf of the O.P. No. 02(herein) and further please to cancel the bail of the O.P. No. 02 (herein) namely Rajeev Kumar granted vide order dated 28.06.2024 passed in Cr. Misc. No. 10771 of 2024.

2. Heard the learned counsel for the petitioner, learned counsel for the State and learned counsel for the OP. No. 02.

3. The learned counsel for the petitioner; Shri Deepak Kumar Singh has submitted that the O.P. No. 02 (Rajeev Kumar) has been granted bail on 28.06.2024 by this Court. When the bail application of the O.P. No. 02 (Rajeev Kumar) was argued, some submissions have been made contrary to the records and facts of the case.



4. Learned counsel for the O.P. No. 02; Shri Jharkhandi Upadhyay submits that it was submitted by him that the informer has turned hostile and the petitioner, who has two children, is in custody since 18.04.2024.

5. Learned counsel for the petitioner; Shri Deepak Kumar Singh submits that the O.P. No. 02 (Rajeev Kumar) had no children with the deceased wife, but subsequently he got married to lady having two children.

6. If the petitioner had got married to a lady having two children and has adopted the two children then they are supposed to be his children and I do not find any suppression so far as two children are concerned.

7. It has been noted that all the witnesses have turned hostile, which is not the case. The observation of this court was made after hearing the case for bail, and there has been some error in the arguments of the then petitioner's counsel, but now the petitioner has been released as he was in custody since 18.04.2023, and he is participating in the trial. He is regularly appearing in the Court below through personally or through his lawyer.

8. In these circumstances, there is no need of modification in the order dated 28.06.2024 passed by this Court



in Cr. Misc. No. 10771 of 2024.

9. This application is accordingly, disposed of with a further direction to the trial court that if the O.P. No. 02 (Rajeev Kumar) violates the terms imposed by this Court then the Trial Court shall be at liberty to cancel the bail bond of the O.P. No. 02 (Rajeev Kumar).

10. The Trial Court is also directed to examine all the charge-sheeted witnesses as it has been submitted by Shri Jharkhandi Upadhyay that the Court below is not conducting the trial properly and is not allowing all the witnesses to be examined.

(Sandeep Kumar, J)

Shishir/-

U		T	
---	--	---	--

