

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58621 of 2023

Arising Out of PS. Case No.-144 Year-2022 Thana- HUSSAINGANJ District- Siwan

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Akhilesh Bharti @ Akhilesh Kumar Bharti S/O Shambhu Bharti R/O Village-
Pakari Narhiya, Ps. Bankatta, Dist. Deoria (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 27-02-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Hussainganj P.S. Case No.144 of 2022, lodged on 26.05.2022,
under Sections 307/302/120B/34 of the Indian Penal Code and
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per the prosecution, FIR has been lodged against
four persons out of which two persons are owner and driver of
the vehicle and rest two persons are named in the FIR.
According the the FIR, petitioer's vehicle dashed the S.I. who
has to make inspection and he died on spot by the occurrence.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel submits that it has come that the petitioner is owner of the vehicle but actually this fact is not correct. With a view to verify the fact, case-diary was called for and from paragraph-45 of the supplementary case-diary, it has come that presently this vehicle has been recorded in the name of Yugal Kishore Prasad son of Birendra Kumar Prasad. Counsel submits that as such he is completely innocent and no material has come against the petitioner. Counsel further submits that antecedent of the petitioner is clean and he is in custody since 22.07.2023. Counsel further submits that co-accused, namely, Vivek Kumar Kushwaha, Sanjeet Kumar @ Manjeet Kumar and Mukesh Kushwaha and Firoj Ansari have been granted bail by the coordinate Benches of this Court vide Annexure-3 Series of the supplementary affidavit.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that death has been caused at the hand of the accused persons including the present petitioner. The injury report fully supports that multiple stabbing took place on the body of the deceased. As such, he may not be



granted bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Siwan, in connection with Hussainganj P.S. Case No. 144 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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