

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63475 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Raushan @ Raushan Kumar @ Tantu @ Tantu Daruwala, Son of Gopal Ojha
Resident of Village- Khabra, PS- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Rakesh Kumar Sharma, Adv.
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 29-11-2024 Heard Mr. Ramakant Sharma, learned Senior

Advocate for the petitioner and learned Additional Public

Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Kazimohammadpur P.S. Case No. 129 of
2024 registered for the offence punishable under Section 302/34
of the Indian Penal Code.

3. Based upon the *fardbeyan* of the informant, the
prosecution alleges that on 12.04.2024 at about 04:30 in the
evening, when the father of the informant had gone to bring
vegetables, in the meantime, he received information from the
police that his father was assaulted by three accused persons
including the petitioner leading to serious injuries. The father of



the petitioner was taken to Sadar Hospital from where he was referred to S.K.M.C.H. and, in course of treatment, he succumbed to his injuries.

4. Learned Senior Advocate for the petitioner referring to the FIR, firstly contended that the informant is not an eyewitness to the alleged occurrence. Moreover, it has also not been disclosed as to from whom the informant came to know that his father was done to death by the petitioner and other co-accused persons. Allegations levelled in the FIR have not been corroborated even during the course of trial when the informant and other charge-sheet witnesses have been examined by the learned Trial Court. Drawing the attention of this Court to the deposition of the informant and the other charge-sheet witnesses, the certified copies of which have been placed on record, it is submitted that none of them have supported the prosecution case. So far the informant, who was examined by the learned Trial Court as P.W.4, has categorically stated that the name of the petitioner has been given only on suspicion, as earlier there was some dispute. It is also deposed that he did not get any eyewitness to the alleged occurrence. Based upon the aforesaid facts, learned Senior Advocate, thus contended that now all the charge-sheet witnesses have been examined and, as



such, there is no chance of tampering with the evidence or threatening the witnesses. Only two official witnesses are required to be examined. Moreover, the petitioner has been incarcerated since 25.04.2024. Petitioner undertakes that he will fully cooperate in the trial till its conclusion.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submitted that the FIR clearly suggests the involvement of the petitioner and his nearby people, who had seen the occurrence, took the name of the petitioner and others.

6. Regard being had to the submissions made on behalf of the parties and considering the deposition of the informant and the other charge-sheet witnesses, who have not supported the prosecution case and the entire case is based on suspicion, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-17th, Muzaffarpur in connection with Kazimohammadpur P.S. Case No. 129 of 2024, 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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