

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70443 of 2024

Arising Out of PS. Case No.-69 Year-2020 Thana- KHAIRA District- Jamui

Kuldeep Rawat S/o Late Shiv Mandal @ Shiv Mandan Rawat @ Shiv
Nandan Rawat R/o Village- Palwajan, P.S.- Sono, Distt.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

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

ORAL ORDER

4 09-12-2024 Heard learned counsel for the petitioner and Ms. Renu
Kumari, learned APP for the State.

2. The petitioner seeks bail in connection with Khaira
P.S. Case No. 69 of 2020 instituted for the offence under
Sections 302, 201, 120(B) & 34 of the Indian Penal Code.

3. Prosecution case in nutshell is that deceased along
with informant while going to market for purchasing hardware
articles met with two accused persons who came on motorcycle
and deceased told that they were known to him thereafter, they
left. All of a sudden, uncle of the deceased came to learn that
dead body of the deceased has been recovered between *Mango
Bandar* Hotel.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 15-04-2024. Petitioner bears four criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired during course of investigation that too on the basis of suspicion. It is alleged that petitioner was seen with the deceased. There is no eye witness to the occurrence. There is no direct allegation against the petitioner, rather allegation is general and omnibus in nature. It is lastly submitted that police after investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Witness has supported the prosecution case, which fact finds mention at paragraph No. 27 of the case diary. It is the petitioner who came at the shop of one witness along with the deceased hence, the onus lies on the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no direct material against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.



8. 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 Khaira P.S. Case No. 69 of 2020, 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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