

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72623 of 2024

Arising Out of PS. Case No.-235 Year-2023 Thana- GORAUL District- Vaishali

Sawan Kumar Son of Parmanand Singh, Resident of Katarmala, P.S.- Goraul,
District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Kant Singh, Advocate
For the Opposite Party : Mr. (Dr.) Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2024 Heard Mr. Krishna Kant Singh, the learned counsel
for the petitioner and Mr. (Dr.) Ajeet Kumar, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Goraul PS Case No. 235 of 2023, FIR dated
06.06.2023, registered for the offences punishable under
Sections 302 and 323 read with Section 34 of the Indian Penal
Code.

3. According to the prosecution case, while the
informant along with his sons was selling litchi at Katarmala
Market, he had an altercation with the accused persons, who
then assaulted informant's son and grandson during the course
of bargaining and they subsequently killed his grandson by
pressing his neck.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is allegation that all the accused persons have killed the informant's grandson by pressing his neck. However, the *post-mortem* report of the informant's grandson does not support the allegation levelled in the FIR. It is evident from the FIR itself that informant is not the eyewitness of the alleged occurrence, rather no one has seen the alleged occurrence and merely on the basis of suspicion, the petitioner has falsely been implicated in the present case. He lastly submits that the co-accused person namely, Deepak Kumar has been granted the privilege of anticipatory bail by this Court *vide* order dated 09.04.2024 passed in Cr. Misc. No. 85686 of 2023.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that petitioner was involved in the crime in question.

6. Considering the aforesaid facts and circumstances



and mainly the facts that petitioner has clean antecedent and similarly situated co-accused person has been granted the privilege of anticipatory bail by this Court, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Vaishali at Hajipur, where the case is pending in connection with **Goraul PS Case No. 235 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial



Court 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 learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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