

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82001 of 2023

Arising Out of PS. Case No.-454 Year-2022 Thana- FATEHPUR District- Gaya

RAKESH SINGH SON OF KAILASH SINGH RESIDENT OF VILLAGE
-LODHWAY, PS- FATEHPUR, DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Fatehpur P.S. Case No. 454 of 2022, Sessions Trial No. 280 of
2023/1016 of 2023 registered for the offences punishable under
Sections 341, 323, 354(b), 302, 306, 201 and 34 of the IPC.

3. As per prosecution case, one girl is said to have
been killed by co-accused Pintu Kumar, Sunita Devi and 5-10
unknown persons and dead body has been burnt in order to
disappear the evidence.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
transpired in the present case upon the statement of independent
witnesses Ganesh Singh, Vir Singh and Sury Narayan Singh.



Petitioner is not in any way connected with the alleged occurrence. He further submits that petitioner is in custody since 28.06.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that from the perusal of the FIR itself, the allegation is against co-accused Pintu Kumar and Sunita Devi. He further submits that co-accused Pintu Kumar and Hemant Kumar, Rakesh Singh, Amrendra Singh have already been granted bail vide Cr. Misc. No. 75290 of 2022 and Cr.Misc. No. 12216 of 2023 respectively by the co-ordinate Benches of this Court and the case of present petitioner stands more or less on similar footing so far as the allegation of other co-accused is concerned.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XI, Gaya in connection with Fatehpur P.S. Case No. 454 of 2022, Sessions Trial No. 280 of 2023/1016 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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