

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83389 of 2023

Arising Out of PS. Case No.-27 Year-2022 Thana- PAHARKATTA District- Kishanganj

Rehan @ Md. Rehan Son Of Salimuddin Village- Kalakachchu Ps- Paharkatta
Distt- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
S.T. No.111 of 2022, arising out of Paharkatta P.S. Case No.27
of 2022, lodged on 19.03.2022, under Sections 302/120B/34 of
the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
three named accused persons including the present petitioner
against whom there is no direct allegation of murder.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is in custody since 20.03.2022 having no criminal
antecedent. Counsel further submits that from the content of the
FIR there is absolutely nothing and no eyewitness of the said



occurrence is there but from the rejection order it has come that the knife has been used in the commission of the killing of the deceased has been recovered on the disclosure of the petitioner.

5. Learned counsel for the State opposes the prayer for bail and submits that petitioner was seen in CCTV footage at the place of occurrence.

6. Upon the specific query of the Court that whether charges have been framed or not. Counsel for the petitioner submits that this Court has called for the progress report which has come. From the report it transpires that two witnesses have been examined.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, cum-Special Judge, Kishanganj, in connection with S.T. No.111 of 2022 arising out of Paharkatta P.S. Case No.27 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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