

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86672 of 2023

Arising Out of PS. Case No.-291 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

Sushil Kharwar @ Sushil Kumar Son of Rama Kharwar Resident of Village-
Barahan Gopal, P.S.- Siwan Muffasli, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-03-2024 Heard Mr. Bijay Prakash Singh, the learned counsel
for the petitioner and Mr. Jai Narain Thakur, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
18.07.2022, in connection with Session Trial No. 174 of 2020,
arising out of Siwan Muffasil P.S. Case No. 291 of 2019, FIR
dated 29.07.2019, registered for the offences punishable under
Sections 302 and 201 read with Section 34 of the Indian Penal
Code.

3. Earlier the petitioner has moved before this Court
for grant of regular bail in Cr. Misc. No. 56271 of 2022, which
was dismissed as withdrawn vide order dated 19.04.2023.

4. According to the prosecution case, the dead body
of the daughter of the informant was found lying near the hut of



one Hasimudin Mian and the informant suspects that one Kundan Kharwar, who had earlier kidnapped her daughter for the purpose of solemnizing marriage, along with other co-accused persons has committed the murder of her daughter by strangulation and threw the dead body in Baghar.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that it has come during investigation in paragraph no. 25 of the case diary that one co-accused namely, Kundan Kharwar has accepted his guilt that he has committed the murder of his wife (deceased) and the co-accused person namely, Manoj Kharwar @ Manoj Kumar has been granted bail by this Court vide order dated 19.04.2023 passed in Cr. Misc. No. 56271 of 2022 and co-accused namely, Chandan Kharwar has also been granted bail by a co-ordinate Bench of this Court vide order dated 28.04.2021 passed in Cr. Misc. No. 6858 of 2021 and the co-accused namely, Rama Kharwar has also been granted bail by a co-ordinate Bench of this Court vide order dated 06.04.2022 passed in Cr. Misc. No. 57170 of 2021. He lastly submits that



police has submitted charge-sheet and the petitioner is in custody since 18.07.2022.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent, one co-accused person has accepted his guilt that he has committed the murder of his wife (deceased) and several other co-accused persons have been granted bail by different Benches of this Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IX, Siwan, in connection with Session Trial No. 174 of 2020, arising out of **Siwan Muffasil P.S. Case No. 291 of 2019**, subject to the following conditions:

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



(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 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 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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