

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.590 of 2025

Arising Out of PS. Case No.-83 Year-2022 Thana- PIPRAKOTHI District- East Champaran

Pawan Kumar @ Akash Kumar S/O Binod Patel Resident of village-
Godhwa. P.S.- Muffasil District- East Champaran, through his
father/Guardian, namely, Vinod Patel, aged about 49 Years, son of Vishwanath
Patel, resident of village Godhwa. PS-Mufassil, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Advocate

For the Respondent/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-04-2025 Heard Mr. Abhishek Kumar, learned counsel for the

appellant and Mr. Ramchandra Singh, learned Special Public

Prosecutor for the State.

2. The present appeal is directed against the refusal
of prayer for regular bail vide order dated 29.10.2024 passed by
the learned 1st Additional Sessions Judge, East Champaran,
Motihari in connection with Children Trial No. 10 of 2024
arising out of Piprakothi P.S. Case No. 83 of 2022 F.I.R. dated
18.03.2022 registered under Sections 302, 201, 120B, 34 of the
Indian Penal Code.

3. According to prosecution case, appellant along with
other accused persons have committed murder of the brother of
the informant namely, Mumtaz Alam and his friend namely



Mithun Kumar and threw their dead body near Mohanapur, Pipra Kothi.

4. Learned counsel for the appellant submits that the appellant has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. He further submits that although the name of the appellant has been transpired on the basis of confessional statement of co-accused persons namely Bablu Kumar and Dipak Pandey and it appears from the F.I.R. itself that the informant is not an eye witness of the alleged occurrence and the said co-accused person namely Dipak Pandey has been granted the regular bail vide order dated 19.07.2023 in Cr. Misc. No. 15701 of 2023 and except the confessional statement of co-accused persons, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 02.04.2024 more than one year.

5. Learned Special Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the



appellant.

6. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, East Champaran at Motihari in connection with Children Trial No. 10 of 2024 arising out of Piprakothi P.S. Case No. 83 of 2022, with the following conditions :-

(1) Appellant 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.

(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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