

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79203 of 2024

Arising Out of PS. Case No.-415 Year-2023 Thana- AMARPUR District- Banka

Rahul Kumar Son of Anil Das, Resident of Village- Mainma, (Via- Kasba),
PS- Amarpur, District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-01-2025 Heard Mr. Sanjay Kumar Jha, the learned counsel for

the petitioner and Mr. Binod Kumar, the learned Additional Public

Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

04.03.2024, in connection with Amarpur P.S. Case No. 415 of

2023, FIR dated 07.06.2023, registered for the offences punishable

under Sections 302 and 120(B) of the Indian Penal Code and under

Section 27 of the Arms Act.

3. According to the prosecution case, petitioner opened

fire upon informant's husband namely, Sadanand Das, in front of

his son Saurav Kumar due to which informant's husband died.

4. Learned counsel for the petitioner submits that

petitioner has falsely been implicated in the present case due to

admitted land dispute between the parties. He further submits that

it is evident from the FIR itself that informant is not the



eyewitness to the alleged occurrence and from perusal of the FIR, it appears that till 09:00 PM on the date of occurrence, the victim was alive, but the *post-mortem* report suggests that dead body of the victim was received for *post-mortem* at 22:35 PM on 07.06.2023 at the hospital. He further submits that although number of witnesses have supported the case of the prosecution, but, it appears from the aforesaid that the present FIR is instituted afterthought only to harass and falsely implicate the petitioner.

5. 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 number of witnesses including the son of the informant has supported the case of the prosecution and apart from that, petitioner carries one criminal antecedent other than the present one, but fairly submits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, 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 District and Sessions Judge-III, Banka / Additional District and Sessions Judge-IV, Banka in connection with **Amarpur P.S. Case No. 415 of 2023**, 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 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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