

Suresh Kewat vs The State Of Bihar on 24 August, 2023

Author: Rajiv Roy

Bench: Rajiv Roy

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27193 of 2023
Arising Out of PS. Case No.-236 Year-2022 Thana- GIRIYAK District-
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SURESH KEWAT Son of Late Sugan Kewat Resident of village - Bakra, P.S.
- Giriyak, Distt. - Nalanda

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Binay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 24-08-2023

Pursuant to the last order dated 10.08.2023, the Investigating Officer of the present case i.e. Giriyak P.S. Case No. 236 of 2022 namely, Ravindra Kumar is present in Court.

An affidavit has been filed on his behalf by the learned APP in which it has been informed that due to separation of outpost Griyak with the original Griyak Police Station, criminal antecedent of only two cases were incorporated whereas actually he is involved in four cases and the details have been incorporated in paragraph 4 of the petition.

He is cautioned to the remain vigilant in such matters specially during investigation and also while providing the criminal antecedent report.

His apology is accepted and his presence stands dispensed with.

Patna High Court CR. MISC. No.27193 of 2023(5) dt.24-08-2023 Heard the parties.

The petitioner is an accused in connection with Giriyak (Pawapuri) P.S. Case No. 236 of 2022 registered for the offences under sections 147, 148, 149, 341, 323, 386, 302, 504 and 506 of the Indian Penal Code and section 27 of the Arms Act lodged on 10.05.2022 by the informant, Arvind Kumar.

As per the prosecution story, the allegation is that the informant's son Indrajeet Kumar @ Anshu Kumar was sitting at his shop. Meanwhile, the accused persons came and demanded extortion of Rs. 10,000/- and upon refusal, it is alleged that at the instigation of Gautam Kewat and Pradhuman Kewat, Ravi Kewat opened fire, he sustained injury was brought to Medical College, Pawapuri where doctor declared him dead. Accordingly, the FIR.

A supplementary affidavit has been filed on behalf of the petitioner stating the criminal antecedent inasmuch as he is involved in four criminal cases.

The contention of the learned Counsel for the petitioner is that the main allegation is against Ravi Kewat, he has remained in custody since 20.08.2022 (as stated in paragraph 13 of the bail application) and similar placed other co-accused have since been granted bail vide Cr. Misc. No. Patna High Court CR. MISC. No.27193 of 2023(5) dt.24-08-2023 26765 of 2023 (Pradhuman Kewat) and Cr. Misc. No. 10119 of 2023 (Surendar Kewat @ Surendra Mallah and Golu Kewat) by co-ordinate benches.

Let the same be kept on record.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he was part and parcel of the team that wanted extortion and later on killed the informant's son.

Taking into account that main allegation is against Ravi Kewat who opened fire causing death of the informant's son, similar situate other persons have been granted bail, as stated above, is in custody since 20.08.2022, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Addditional Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Giriyak (Pawapuri) P.S. Case No. 236 of 2022, subject to the 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 Patna High Court CR. MISC. No.27193 of 2023(5) dt.24-08-2023 before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;
- (iii) the petitioner shall appear before the concerned police station every month for next 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 evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J) Neha/-

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