

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28687 of 2021**

Arising Out of PS. Case No.-138 Year-2020 Thana- ASHOK PAPER MILL District-
Darbhanga

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NARESH DAS Son of Udan Das @ Ugan Das Resident of Village -
Paramanandpur, P.S.- A.P.M. (Ashok Paper Mill), Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Opposite Party/s : Mr.Bharat Lal, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 09-08-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Ashok Paper Mill P.S.
Case No. 138 of 2020 corresponding to Sessions Trial No. 23 of
2021, registered for the offence punishable under Sections 364,
302, 201/34 of the Indian Penal Code.

As per the prosecution case, brother of the informant
Ajit Kumar Rai had gone along with petitioner and co-accused
Paramjeet to take wine at the house of Tuntun Sahni where
scuffle took place and Ajit Kumar Rai (informant's brother) was
murdered and the accused persons also disappeared the dead
body.



It is submitted on behalf of the petitioner that petitioner is not named in the FIR. During course of investigation, co-accused Parmila Devi was arrested who gave her confessional statement before the police in which she has stated that this petitioner along with other accused persons molested one Babita Devi which was protested by her husband Tuntun Sahni which led to this occurrence. Save and except disclosure made by co-accused Parmila Devi there is no cogent material which suggest the complicity of petitioner in the alleged occurrence. Moreover, similarly situated co-accused have been granted bail by this Hon'ble Court vide order dated 26.07.2021 passed in Cr. Misc. No. 3996 of 2021. Petitioner is having clean antecedent and he is in custody since 11.08.2020. Chargesheet has already been submitted.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge X, Darbhanga in connection with Ashok Paper Mill P.S. Case No. 138 of 2020, subject to following conditions:-

- (i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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