

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32414 of 2021**

Arising Out of PS. Case No.-214 Year-2020 Thana- AMARPUR District- Banka

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KALU DAS @ KALANAND DAS S/O JUGAL DAS @ YUGAL DAS R/O
VILLAGE-MAINMA, P.S.-AMARPUR, DISTRICT-BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Balram Kapri, Adv.

For the Opposite Party/s : Mr. A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 26-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Amarpur P.S. Case No. 214 of 2020 registered for the offence under Sections 120(B), 302 and 34 of the Indian Penal Code.

Husband of the informant is alleged to have been killed by the petitioner and his associates.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact,



altogether nine persons including the petitioner have been made accused in this case but no specific allegation of assault is attributed him. There is no eye witness to the alleged occurrence. The police has also submitted charge-sheet in this case. Moreover, the co-accused, namely, Sujesh Kumar, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.11.2021 passed in Cr. Misc. No. 63975 of 2020. The petitioner is rotting in judicial custody since 04.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 C.J.M., Banka in connection with Amarpur P.S. Case No. 214 of 2020 with the following conditions:-

(1) 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/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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