

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34570 of 2021

Arising Out of PS. Case No.-155 Year-2018 Thana- DEO District- Aurangabad

GAURI KUMARI @ SITA KUMARI @ PUSHPA KUMARI Son of Ram
Suchit Singh Bhogta R/o Village - Langurahi, P.S. - Madanpur, District -
Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-12-2021 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.

The petitioner seeks bail in connection with Deo P.S.
Case No. 155 of 2018/G.R. No. 2236 of 2018 registered for the
offence under Sections 147, 148, 149, 307, 302, 353, 436, 435,
395, 121, 121(A), 122, 124(A) and 120(B) of the Indian
Penal Code and Section 16, 17, 18, 20, 38 and 40 of the U.A.P. Act
and Section 3/4 of the Explosive Substance Act.

Altogether 61 named and 50 unknown persons, who
are said to be Maoists, are alleged to have killed one Narendra
Kumar Singh @ narendra Singh at his house and looted away the



house hold articles along with jewellery and cash.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, the name of this petitioner transpired in this case on the statement of the co-villager, namely, Sunil Singh. No incriminating has been recovered from the conscious possession of the petitioner. Moreover, the co-accused, namely, Vinod Bhuiyan @ Binod Bhuiyan and Pappu Yadav, having more or less similar allegation, have already been granted bail by a co-ordinate Bench of this Court vide order dated 04.12.2019 and 22.04.2019 passed in Cr. Misc. No. 56745 of 2019 and Cr. Misc. No. 25647 of 2019, respectively. The petitioner is rotting in judicial custody since 17.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner is having one more case other than the present one.

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 Chief Judicial Magistrate, Aurangabad in connection with Deo P.S. Case No. 155 of 2018/ G.R. No.2236 of 2018 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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