

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3457 of 2021**

Arising Out of PS. Case No.-150 Year-2020 Thana- HATHAURI District- Muzaffarpur

ANUJ KUMAR, S/o Late Ram Babu Singh, R/o Village-Narma, P.S.-
Hathaudi, District-Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

7 27-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Jharkhandi Upadhyay, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Hathaudi P.S. Case No. 150 of 2020
registered for the offences punishable under Section 302, 201
and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story, on 9.7.2020 the husband of the informant
went out from his house at 7.00 a.m. but did not return till late
night. On 10.7.2020 at 8.00 a.m. the dead body of the husband

of the informant was found behind 'math'. It has been alleged that Ram Babu Singh told his son Anuj Kumar to commit the offence as Ram Babu Singh had threatened the husband of the informant that within two days he would be killed.

It is the submission of learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the case against the petitioner is based on mere suspicion. The petitioner is in custody since 12.7.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission on behalf of the learned counsel for the petitioner that the case against the petitioner is based on mere suspicion neither there is any eye witness of the occurrence nor in course of investigation any material has been collected by the I.O., Mr. Jharkhandi Upadhyay, learned APP for the State having gone through the case diary agrees with the submission that in the case diary except suspicion there is no material against the petitioner, in the circumstances, the petitioner having remained in jail in connection with this case since 12.7.2020 is directed to be released on bail on furnishing

of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Muzaffarpur in connection with Hathaudi P.S. Case No. 150 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.