

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2376 of 2022

Arising Out of PS. Case No.-561 Year-2020 Thana- SHASTRINAGAR District- Patna

Nepali Kumar S/O Jitu Ram @ Jitu Paswan R/o village- P.W.D. Campus
Shastri Nagar, P.S.- Shastri Nagar, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Shraddhanand Paswan

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

According to prosecution case, the informant lodged an information before the police stating therein that there was a birthday party in his house on 09.12.2020 his brother Rahul Kumar went out of his home for market. Further allegation is that all the petitioners who were ambushing along with 3-4 persons held his brother and assaulted with brick and stone. It is



also alleged that hearing the screams of his brother the informant came out of his house and saw that the petitioners and his associate were assaulting his brother with brick and stone and later on his brother died during the course of treatment.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence is 09.12.2020 but the present F.I.R. was instituted on 11.12.2020 after three days of the alleged occurrence without giving any explanation about such delay. He further submits that there is general and omnibus allegation against all the accused persons and there is no specific allegation against the petitioner. He further submits that after investigation police has submitted the charge sheet against the petitioner and all the accused persons. He further submits that similarly situated, co-accused, namely, Kallu Ram has been granted bail by this Court vide order dated 22.03.2022 passed in Cr. Misc. No. 37821 of 2021, another co-accused namely, Ravi Ram has been granted bail by this Court vide order dated 23.03.2022 passed in Cr. Misc. No. 37350 of 2021. The petitioner is in custody since 23.12.2020.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate-IV, Patna in connection with Shastri Nagar P.S. Case No. 561 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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