

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7425 of 2022

Arising Out of PS. Case No.-279 Year-2020 Thana- SIRDALA District- Nawada

Shankar Kumar Son Of Lakhan Paswan R/O Village- Chak, P.S.- Sirdala,
District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-08-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 201 and 34 of the
Indian Penal Code.

According to prosecution case, the informant namely
Radha Kumari, wife of late Sujeet Kumar @ Gore Singh has
submitted a written report before S.H.O. Sirdala police station
alleging therein that dead body of her husband is found on
01.08.2020 at about 12 p.m. in Kushahan-Ahari (a water-body).
After getting information from villagers, she alongwith her all



family members went there and take out the dead body from the water body. It is further stated that there was blood stains on face of the deceased and his hand was burnt. Thereafter, they took the deceased to hospital, where the doctor declared him dead. It is further alleged that her husband (deceased) had illicit relation with Guriya Devi that can be confirmed by tracing call details of the mobiles. It is further alleged that for some days, Guriya Devi and her family members were pressurizing the deceased to registered land and Guriya Devi also blackmailing money from the deceased. It is further alleged that her husband always went to petitioner's house after taking money and Guriya Devi and her family members get him drunk and on 31.07.2020 deceased went petitioner's house after taking money. It is further alleged that Guriya Devi, Lakhan Paswan, Twinkal Kumar @ Rinkal Kumar, Vijay Kumar and Shankar Kumar (petitioner), all together after assaulting her husband killed him and throw dead body in Chak-Ahari.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation against the petitioner and only on the basis of suspicion the name of the



petitioner has been transpired. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons namely, Guriya Devi, Vijay Kumar, Twinkal Kumar @ Rinkal Kumar and Lakhan Paswan have been granted bail by a co-ordinate Bench of this Court vide order dated 02.03.2021 passed in Cr. Misc. No. 9145 of 2021. The petitioner is in custody since 09.09.2021.

The learned counsel for the Informant as well as learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Sessions Trial No. 61 of 2021, arising out of Sirdala P.S. Case No. 279 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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