

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8561 of 2022

Arising Out of PS. Case No.-77 Year-2020 Thana- TELHARA District- Nalanda

RAJIV KUMAR @ BAMESH KUMAR Son of Late Chandrika Singh
Resident of Village- Rarhil, P.S.- Telhara, District- Nalanda.... .. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Arun, Adv

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2022 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 learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Section 302,201,34 of the IPC.

The prosecution case, in short, is that the sister of the informant was missing from sasural and later her dead body was found in maize field in decayed condition.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. In fact the petitioner is husband of the deceased and the marriage was performed more than 15 years back and there is no complaint against the petitioner. He further submits that there is no eye witness of the alleged occurrence and



co-accused person, namely, Mithilesh Sharma and another has been granted bail vide order dated 19.03.2021 passed in Cr. Misc. No. 35257 of 2020. He further submits that the police, after investigation, submitted chargesheet against the petitioner and charge has already been framed against the petitioner.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and fairly submits that in fact there is no eye witness of the alleged occurrence but there is circumstantial evidence against the petitioner during investigation.

Vide order dated 14.06.2022 a report was called for with regard to the present status of the trial. Report reveals that the charge has been framed against the petitioner and the witnesses are yet to be examined.

Learned counsel for the petitioner submits that it appears from the report that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 11.06.2020.

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with S.Tr.No.85 of 2021 arising out



of Telhara P.S. Case No. 77/2020, 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 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.

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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