

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10934 of 2022

Arising Out of PS. Case No.-263 Year-2021 Thana- MURLIGANJ District- Madhepura

Paras Kumar Son of Abhay Yadav Resident of Village - Raghunathpur, P.S.-
Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-07-2022 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 a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act and later on added Section
397 of the Indian Penal Code.

According to prosecution case, the informant
Vishwanath Jhanwar gave a written application to Murliganj
P.S. and alleging therein that on 23.07.2021 when the informant
and his deceased brother Baidyanath Jhanwar @ Baiju Jhanwar
were sitting at his shop then three unknown persons on three
motorcycle came there and fired upon them as a result of which



one bullet hit on the chest of the brother of the informant namely Baidyanath Jhanwar @ Baiju Jhanwar, thereafter accused persons fled away towards Kartik Chowk. Nearby police brought the Baidyanath Jhanwar @ Baiju Jhanwar to PHC Murliganj who was referred to Madhepura but on the way he died.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused Badal Kumar and thereafter his self confessional statement before the police. He further submits that except confessional statement nothing has come curing investigation against the petitioner and till date no TIP has been conducted by the prosecution. The petitioner was remanded in this case on 14.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Murliganj P.S. Case No. 263 of 2021, 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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