

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11672 of 2022

Arising Out of PS. Case No.-391 Year-2021 Thana- KOTWALI District- Munger

BIPIN SAO Son of Manoj Sao Resident of Village - Nayagaon, P.s.- Kotwali
(Basudeopur O.P.), Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr .Rajiv Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, APP
For the informant	:	Mr. Manoj Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 302, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The brother of the deceased is said to have been died on the account of earlier dispute by the petitioner and his companions.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of suspicion. He further submits that the informant is not the eye witness to the alleged occurrence. He further submits that it appears from



the F.I.R. altogether four persons have been named in the F.I.R. with allegation of indiscriminate firing upon the brother of the informant. He further submits that the postmortem report reveals that the deceased received only two wounds of entry and one exit wound. He further submits that there is no specific allegation against the petitioner rather a general and omnibus allegation is attributed to him. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 03.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Kotwali P.S. Case No. 391 of 2021 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 canceled 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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