

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26924 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- BAKHTIYARPUR District- Patna

BIPIN KUMAR SON OF PAPPU YADAV R/O VILLAGE-
SABNAHUADIH, P.S.- HARNAUT, DISTRICT- NALANDA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-04-2022 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 the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 302 and 392 of the Indian Penal Code.

The brother of the informant is said to have been assaulted by the accused persons as a result of which he sustained head injury and died during course of treatment.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been named in the F.I.R. but merely on the



basis of confessional statement of the co-accused, Suraj Kumar, who has been arrested during course of investigation, the petitioner has been made accused in this case. He further submits that there is no eye witness to the alleged occurrence. He further submits that save and except confessional statement of the co-accused, no cogent material has come during course of investigation against the petitioner. He further submitted that similarly situated co-accused, namely, Ranjan Kumar, Mahendra Kumar @ Mahendra Yadav @ Baba and Nirala Kumar have already been granted bail by different co-ordinate Benches of this Court vide order dated 09.02.2022, 29.01.2022 and 30(a) of the Bihar Prohibition and Excise Act..07.2021 passed in Cr. Misc. No. 38894 of 2021, Cr. Misc. No. 45134 of 2021 and Cr. Misc. No. 12052 of 2021, respectively. The petitioner is rotting in judicial custody since 09.02.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 Bakhtiyarpur P.S. Case No. 35 of 2020 (G.R. No. 184 of 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 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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