

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30958 of 2021

Arising Out of PS. Case No.-477 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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AJAY KUMAR @ PULCHUN S/O SONELAL RAI @ SONELAL RAY R/o
village- Jitwarpur Tara, P.S.- Samastipur Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vishwanath Prasad Sinha, Sr.Adv.
	:	Mr.Mahendra Pratap, Adv
For the Informant	:	Mr. Kundan Kumar, Adv.
For the Opposite Party/s	:	Ms.Dr.Indiwar Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with
Samastipur Muffasil P.S.Case No.477 of 2020 registered for the
offences under Sections 302 and 34 of IPC and Section 27 of the
Arms Act.

According to FIR co-accused Md. Fardeen took the
son of the informant and after half an hour, the informant heard
that murder of his son has been committed. Then the informant
went to the place of occurrence and saw the dead body of his
son. Suspicion has been raised against Gaurav Thakur @
Gaurav Kumar and others.

Learned counsel appearing for the petitioner submits



that the petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR itself that there is general and omnibus allegation against all the accused persons. He further submits that there is nothing any direct or specific allegation against the petitioner. He further submits that co-accused, namely, Deepak Thakur has been granted bail vide order dated 08.12.2021 in Cr. Misc. No.31584 of 2021 and another co-accused, namely, Gaurav Thakur @ Gaurav Kumar has been granted bail vide order dated 08.12.2021 in Cr. Misc. No. 29211 of 2021 by this Hon'ble Court and the petitioner is in custody since 12.02.2021.

Learned counsel for the informant as well as learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

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 Additional Chief Judicial Magistrate-II, Samastipur in connection with Samastipur Muffasil P.S.Case No.477 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 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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