

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22138 of 2022

Arising Out of PS. Case No.-94 Year-2020 Thana- UJIYARPUR District- Samastipur

Shankar Das S/o Late Ramchandra Das, Resident of Village- Bela Magh, P.S.-
Ujiarpur, District- Samastipur. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 07-12-2022 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with Ujiyarpur P.S. Case No. 94 of 2020 registered for the offences punishable under Sections 302/34 of the Indian Penal Code. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that earlier this Court has refused to enlarge the petitioner on bail in Cr. Misc. No. 38706 of 2020 disposed of on 13.07.2021 after taking note of the statement of the informant that the petitioner had given assault on the head of the father of the informant.

Learned counsel submits that the petitioner has remained in custody since 30.06.2020. In the meantime, the informant has already deposed in course of trial, neither he nor his wife has supported the prosecution case.

Mr. Md. Fahimuddin, learned APP for the State has



opposed this application.

Having regard to the facts and circumstances of the case and the materials available on the record showing that the informant and his wife has deviated from their statements, at this stage, without making observation on the merit of the case, this Court thinks it just and proper to direct release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Dalsingsarai, Samastipur in connection with Ujiyarpur P.S. Case No. 94 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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