

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32300 of 2021

Arising Out of PS. Case No.-445 Year-2013 Thana- NAUBATPUR District- Patna

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HIRA SINGH SON OF LATE BACHU SINGH Resident of Village -
Narainpur, P.S.- Bikram, Distt.- Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 36626 of 2021

Arising Out of PS. Case No.-445 Year-2013 Thana- NAUBATPUR District- Patna

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SURAJ KUMAR @ TINTIN S/o Late Jagdish Singh R/o village- Arap, P.S.-
Bikram, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 32300 of 2021)

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

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP.

(In CRIMINAL MISCELLANEOUS No. 36626 of 2021)

For the Petitioner/s : Mr.Arun Kumar Pandey,Adv

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-02-2022 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 petitioners and the

learned A.P.P. for the State in virtual Court proceeding in both

the applications.



The petitioners seek bail in connection with Naubatpur P.S. Case No. 445 of 2013 registered for the offence under Sections 302 and 201 of the Indian Penal Code.

The prosecution case, in short, is that the informant Laldeo Paswan, lodged the instant case by way of giving his fardbeyan, alleging therein that on 30.11.2013 in the morning, he got information regarding that a dead body was lying near the Naubatpur Canal. Thereafter, the informant rushed to that place and found the dead body of a boy aged about 28 years without any apparent bodily injury. On the basis of his fardbeyan the instant case has been registered against unknown.

Learned counsel appearing for the petitioners submits that petitioner-Suraj Kumar@ Tintin has clean antecedent. He further submits that the present FIR has been instituted in the year 2013 and the petitioners have falsely been implicated in this case after gap of seven years in 2020. He further submits that there is no eye witness of the alleged occurrence. He further submits that except the so called confessional statement of co-accused and the petitioner nothing concrete corroborative and clinching evidence has surfaced against the petitioners. He further submits that the police, after investigation, submitted chargesheet against the petitioners. Petitioner-Hira Singh is in



custody since 21.01.2021 and petitioner-Suraj Kumar@ Tintin is in custody since 20.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that petitioner-Hira Singh carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Danapur, Patna in connection with Naubatpur P.S.Case No. 445 of 2013 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at



any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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