

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28200 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- BAHERI District- Darbhanga

VISHUN LAL DEV @ VISHNU LAL DEV SON OF LATE GANGA
PRASAD LAL DEV R/O VILLAGE- TURKI, P.S.- BAHERI, DISTRICT-
DARBHANGA, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Choudhary, Adv.

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2022 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 and 34 of the Indian Penal Code.

The son of the informant is said to have been killed by
the petitioner and others.

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 merely on the basis of
suspicion. He further submits that in fact, the petitioner happens
to be father-in-law of the deceased and he has not played any role
in the alleged occurrence. He further submits that there is no eye
witness to the alleged occurrence. He further submits that save
and except suspicion, no cogent material has surfaced against the



petitioner during course of investigation. He further submits that there is general and omnibus allegation against the petitioner and no specific allegation of any overt act 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 06.02.2022.

On the other hand, learned A.P.P. for the State on the basis of material available on record and the case diary has, vehemently, opposed the prayer for bail of the petitioner and submits that sample for viscera has been sent for its chemical analysis and the report is still awaiting and according to the postmortem report, the cause of death of the deceased is kept reserved for want of viscera.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, **after framing of charge** 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 Baheri P.S. Case No. 30 of 2022 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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