

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28624 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- PANDARAK District- Patna

Nirbhay Kumar Son Of Sri Karu Singh @ Ramanuj Singh @ Master Ji R/O
Village- Pandarak, Athmahaliya, Tola, P.S.- Pandark, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

Ms. Kumari Pallavi, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 120(B), 34 of the
Indian Penal Code.

According to prosecution case, in brief, that the
fardbeyan of informant, namely, Rinku Devi is that on
02.03.2021, when her husband was at her home then her co-
villager, Laxmi Devi called her husband by phone. After
sometime, one Nirbhay Kumar came at her house and told that
your husband has been done to death and thrown. Thereafter,
she reached near the house of Chandeshwar Mochi where saw
that her husband lying on injured condition. Peoples told her



that Laxmi Devi, Chandeshwar Mochi, Vijay Mochi, Dilkhush Mochi, Dolly Kumari and Nirbhay Kumar assaulted him by Lathi-Danda as a result, he sustained injury.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that there is no eye witness of the alleged occurrence and in fact the petitioner who informed the informant that her husband was lying in injured condition. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Vijay Mochi has been granted bail by a co-ordinate Bench of this Court vide order dated 17.05.2022 passed in Cr. Misc. No. 53961 of 2021. The petitioner is in custody since 24.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Pandarak



P.S. Case No. 18 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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