

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28211 of 2022

Arising Out of PS. Case No.-557 Year-2020 Thana- PHULWARISHARIF District- Patna

Chhotu Singh @ Amit Kumar Son of Ajay Singh, R/o Village- Lahiyarchak,
P.S.- Phulwari, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, 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 304(B), 201/34 of the Indian
Penal Code.

According to prosecution case, one Suresh Sharma
lodged written report to the police station alleging therein that
he married his niece namely, Pooja Kumari in the year 2017
with Rahul Sharma who was the first son of Ajay Singh.
Thereafter his niece was kept nicely about one year and
thereafter she was blessed with a girl child and thereafter Ajay
Singh, Rahul Sharma, Aman Sharma @ Himanshu Kumar,



Chhotu Kumar @ Amit Kumar (petitioner), mother-in-law Mamta Devi, two daughters of Mamta Devi namely Rinki Devi and Dipika Devi started torturing his niece and were pressurizing her for bringing money for livelihood. His niece denied the same. They started to make pressure regularly for bringing money and on refusal she was assaulted and tortured and on 05.10.2020 she was killed and without giving information the dead body was disappeared.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that in fact the petitioner is the brother-in-law of the deceased and he has no concern at all with the family of the deceased. He further submits that the husband of the deceased namely, Rahul Sharma is already in custody. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.01.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedents other than the present one.

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 Phulwarisharif P.S. Case No. 557 of 2020, 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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