

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29265 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- VISHNUPAD District- Gaya

=====

Sintu Kumar @ Samir Kumar Son Of Krishna Prasad R/O Mohalla- Nai Sarak, Vishunpad, P.S.- Vishunpad, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Lakshmi Kant Sharma, Advocate
For the Informant	:	Mr. Pintu Kumar Patel, Advocate
For the State	:	Mr. Raj Kishore Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-08-2022 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 petitioner, learned counsel appearing on behalf of the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

As per prosecution case, in brief, is that the informant namely Karan Kumar Gupta on 16.11.2001 at about 10:00 PM he along with his brother Sonu Kumar Gupta and his friend went to Chandchoura Bazar. In the meanwhile, accused persons including the petitioner came and started quarreling and after



some time matter was pacified. It is further alleged that the accused persons forcibly taken them to nearby Daunapur field and one accused namely Suraj Rajak @ Mangal Rajak slit the throat of Sonu Kumar Gupta, the brother of the informant.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that in fact the F.I.R. is in two parts, in first part there is general and omnibus allegation and in the second part specific allegation as alleged in the F.I.R. that co-accused Suraj Rajak @ Mangal Rajak slit the neck of the brother of the informant and there is no specific allegation of overt act or any assault against the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.11.2021.

Learned APP for the State as well as learned counsel appearing on behalf of the informant have vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Vishnupad P.S. Case No. 201 of 2021, 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 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 witness, 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

