

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38909 of 2021

Arising Out of PS. Case No.-190 Year-2021 Thana- SAHARSA SADAR District- Saharsa

AJAY KUMAR S/o Sri Sonelal Sah Resident of Village- Etahara, P.S.- Saur
Bazar (O.P. Baijnathpur), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Saharsa
P.S. Case No. 190 of 2021 registered for the offence under
Sections 302, 307, 341, 323, 324, 147, 1148 and 149 of the
Indian Penal Code.

The prosecution case, in short, is that sons of the
informant Vikash Kumar and Vikram Kumar (deceased) were
living near Islamiya Chowk J.K. Jay Physics Classes campus
and both were studying since two years. On 22.02.2021 in the
evening his son Vikash Kumar reached in the said house and
Vikram Kumar found traceless. He began to search nearby and
in that course, he found the dead body of his son in abandon
latrine. He came to know that after Saraswati Puja, Ajay Kumar,



Vikash Kumar and Radhe Shyam Kumar were living in the campus and they might be in conspiracy with each other assaulted and murdered the son of the informant and kept the dead body in unused latrine.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of mere suspicion. It is further submitted that during the course of investigation nothing has come against the petitioner. It is further submitted that police after investigation submitted a charge sheet against the petitioner and he is in custody since 26.02.2021.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above name, 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 learned Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S. Case No. 190 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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