

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34514 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- MADHEPURA District- Madhepura

Dilip Kumar Son Of Lakshmi Pd. Yadav @ Lakshmi Yadav R/O Village-
Tamaut Parsa, Ward No.-06, P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate

For the Opposite Party/s : Mrs.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-10-2022 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 and the learned A.P.P. for the State in the virtual Court proceeding.

The petitioner seeks bail in a case registered for the offence under Section 302 of the Indian Penal Code.

The prosecution case, in brief, is that the informant alleges that on basis of suspicion that co-accused Mousam Kumar @ Md. Musim killed his sister who was posted as guard in Sadar Hospital, Madhepura and had come to the village to attend the marriage of her brother and co-accused Mousam Kumar @ Md. Musim had arranged room on rent for the deceased, further alleges that co-accused Mousam Kumar @



Md. Musim used to visit his house secretly.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion. He further submits that in fact the petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation. Further submits that there is no specific allegation against the petitioner and there is no eye witness of the alleged occurrence and the co-accused, namely, Mausam Kumar @ Md. Mausim has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 12.05.2022 passed in Cr. Misc.No.72026 of 2021 and the police, after investigation, submitted chargesheet against the petitioner under Sections 306 and 34 of IPC and the petitioner is in custody since 19.02.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the fact and circumstances of the case, 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 learned court below where the case is pending in connection with Madhepura



P.S.Case No.415 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.

(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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