

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34221 of 2022**

Arising Out of PS. Case No.-57 Year-2021 Thana- KURSAILA District- Katihar

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CHHOTU KUMAR SON OF BACHCHAN MANDAL R/O VILLAGE-
PURVI MURADPUR MAJDIYA, P.S.- KURSELA, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 22-09-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 302/34 of the Indian Penal Code.

The brother of the informant is said to have been
killed by the petitioner and others and thrown him away
near Dumper H.P. Petrol Pump.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case only on
the basis of suspicion. He further submits that it appears
from the F.I.R itself that there is general and omnibus
allegation against the petitioner and no specific allegation is



assault or any overt act is attributed to the petitioner. He further submits that there is no eye witness to the alleged occurrence. He further submits that the occurrence is alleged to have committed on 18.04.2022 but the F.I.R. has been instituted on 22.04.2022 without any explanation of delay. He further submits that the inquest report is manifest that the cause of death of the deceased is vehicle accident and the Dy. S.P. concerned in his supervision has also mentioned that the case is of road accident and thereafter the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 29.12.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Kursela P.S. Case No. 57 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 canceled 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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