

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44911 of 2021**

Arising Out of PS. Case No.-60 Year-2020 Thana- VALMIKINAGAR District- West
Champaran

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Krishna Kumar S/O Late Ramayan Kushwaha R/o village- Pipra Kutti, P.S.-
Valmikinagar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar.

.. .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Senior Advocate
		Mr. Vijay Kr Singh No.1, Advocate
For the Opposite Party/s	:	Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-02-2022 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 four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Valmikinagar P.S. Case No. 60 of 2020 registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code.

According to prosecution case, the informant in his written report alleged that Paras Kushwaha came to his house by a motorcycle and took informant's son namely Abhishekh Kumar with him for settle the previous dispute between Ramayan Kushwaha and his son and confined him in a room and later he was killed by the accused persons.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that father of the petitioner has filed two cases against the deceased as Valmikinagar P.S. Case No. 52 of 2016 and Valmikinagar P.S. Case No. 63 of 2016 respectively. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons. He further submits that the father of the petitioner (now deceased) was assaulted by the accused persons by bamboo and Sisam stick as a result of which the deceased died. He further submits that during the pendency of the trial, the father of the petitioner died. He further submits that the police after investigation submitted the charge sheet against the petitioner and other co-accused. The petitioner is in custody since 23.11.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

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 Additional Chief Judicial Magistrate-I, Bagaha, West Champaran in



connection with Valmikinagar P.S. Case No. 60 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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