

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35829 of 2022**

Arising Out of PS. Case No.-248 Year-2021 Thana- HASANPUR District- Samastipur

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Adarsh Kumar Son Of Ram Kalyan Ray R/O-Vill- Sakarpura, P.S.- Hasanpur,
Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Hasanpur P.S. Case No. 248 of 2021 lodged under Sections
302/34 of the I.P.C.

As per the prosecution case, the F.I.R. has been filed
against unknown persons alleging therein that the informant
who is about 60 years intimated that her husband was doing the
work of *jhar phook* and subsequently, two unknown persons
who had visited to her house and subsequently went with them
and not returned. Upon search, she got information that dead
body of her husband has thrown at Jagannathpur Dhaba.

Informant has filed this criminal case against the unknown accused persons.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the present case has been filed against unknown persons but his name has figured in this case by virtue of the confessional statement of the co-accused one Kaushlanand Jha. Counsel submits that nothing incriminating recovered by virtue of the confessional statement. He further submits that there are doubt due to the reason that the F.I.R. has been lodged after 48 hours from the alleged date and time of occurrence.

Counsel further submits that the cause of death in the post-mortem and the cause of death as alleged in the prosecution story are differs. Counsel further submits that there is one criminal case pending against the petitioner in which he is on bail. He submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. Counsel submits that there is only suspicion is against the petitioner.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees

Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Rosera, District-Samastipur in connection with Hasanpur P.S. Case No. 248 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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