

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46146 of 2021

Arising Out of PS. Case No.-72 Year-2018 Thana- MANPUR District- Nalanda

Shambhu Prasad @ Shambhu Kumar S/O Abhimanyu Prasad R/O Village-
Dhanuki, P.S-Manpur, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2022 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 learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302,201,34 of the Indian Penal Code but the police, after investigation, submitted chargesheet against the petitioner under Sections 364 and 365 of IPC.

As per first information report, the allegation against the petitioner is of killing of the mother of the informant by hatching conspiracy with other named accused.

Learned counsel appearing for the petitioner submits



that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the informant is maternal aunt of the petitioner and the deceased is the grand mother (Nani) of the petitioner. He further submits that it appears from the FIR that the date of occurrence as alleged in FIR is 18.05.2018 to 22.05.2018 but the present FIR has been instituted on 26.05.2018 and the same was sent to the court on 29.05.2018 without explanation of delay. He further submits that during investigation except mobile CDR nothing has come against the petitioner and learned counsel for the petitioner submits that the petitioner and the victim reside nearby village. He further submits that the police, after investigation, submitted chargesheet against the petitioner. Petitioner is in custody since 06.05.2021.

Learned counsel for the informant, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material has come against the petitioner during investigation.

Considering the facts 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 Manpur Police Station Case No.72 of 2018, 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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