

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47284 of 2021**

Arising Out of PS. Case No.-237 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

ALIDIN @ ALADIN S/o Lalmuni @ Munilal R/o village- Semra Haldi,  
Manjhi Tola, Kubersthan, P.S.- Kubersthan, District- Kusingar, Uttar Pradesh  
... .. Petitioner/s

Versus

THE STATE OF BIHAR ... .. Opposite Party/s

**Appearance :**

|                          |   |                               |
|--------------------------|---|-------------------------------|
| For the Petitioner/s     | : | Mr.Anjani Kumar Jha, Adv      |
| For the Opposite Party/s | : | Mr.Ram Naresh Ray, APP        |
| For the Informant        | : | Mr. Ranjeet Kumar Pandey, Adv |
|                          | : | Mr.Rajesh Kumar, Adv          |

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

3      22-03-2022                      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.

The petitioner seeks bail in connection with Kuchaikot P.S. Case No.237 of 2019, registered for the offence under Sections 302 and 34 of IPC.

As per the prosecution case, it is stated that the four accused persons including the petitioner herein came and the brother of the informant proceeded with them. He did not return by evening. Subsequently, information was received about a dead body having been found in the river. On going at the place of occurrence, the informant states that he identified the dead body as that of his brother.



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 the suspicion. He further submits that there is no eye witness of the alleged occurrence and the present FIR has been instituted only on the basis of suspicion. He further submits that the deceased had gone with the accused persons on 26.07.2019 and the dead body was recovered on 29.07.2019 and the present FIR has been instituted on 16.08.2019 without any explanation of delay. He further submits that at best the petitioner is the last seen person with the deceased. He further submits that the police, after investigation, submitted chargesheet against the petitioner and other co-accused persons. He further submits that co-accused, namely, Sarvan Verma has been granted bail vide order dated 21.12.2021 in Cr.Misc. No.24993 of 2021 by a Coordinate Bench of this Hon'ble Court and the petitioner is in custody since 24.03.2021.

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 A.C.J.M.-VII, Gopalganj in connection with Kuchaikot P.S. Case No.237 of 2019 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)**

Nitesh/-

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