

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47734 of 2021

Arising Out of PS. Case No.-745 Year-2020 Thana- JAHANABAD District- Jehanabad

FANTUS NUT @ FANTUS SAPERA S/o Late Baban Sapera R/o village-
Dudhalia, P.S.- Nagar Nausa, District- Nalanda, Bihar (801305)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aaruni Singh, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-01-2022 Heard learned counsel for the petitioner as well as
learned APP for the State through virtual mode.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

The petitioner seeks bail in connection with Jehanabad (Karauna O.P.) P.S. Case No.745 of 2020 registered for the offence punishable under Sections 302/34 of the IPC and Section 27 of the Arms Act.

The prosecution case in short, is that the informant Akash Raj @ Luvkush Kumar has got registered an FIR on fardbeyan to the police stating inter-alia that on 23.12.2020 informant along with Jitendra Kumar (deceased) reached at Ex-para Military Force Calyan Canteen near Kanaudi (Muther). It is further alleged that when he loaded stock goods, in the



meantime two persons came with bear mask for the purpose of buying cooler and then Jitendra Kumar (deceased) gone to godown, after the both unknown also gone to godown after two minute he heard the sound of gun shot firing and as soon as he along with two staffs reached at the place of occurrence then his cousin elder brother fell down and he brought to the hospital for medical treatment where doctor declared dead.

Learned counsel appearing on behalf of the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of confessional statement of co-accused Santosh Nut and Dhananjay Nut. He further submits that till date no TIP has been conducted and the petitioner is in custody since 04.01.2021.

Learned APP for the State on the basis of the material available on the record and the case diary has fairly submits that there is no sufficient material against the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Jehanabad in connection with Jehanabad (Karauna O.P.) P.S. Case No.745 of 2020 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 steps 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)

Prakash Narayan /-

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