

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50742 of 2021**

Arising Out of PS. Case No.-28 Year-2020 Thana- NIMCHAKBATHANI District- Gaya

BIJAY KUMAR @ BINAY KUMAR S/o LATE BAL CHARAN YADAV R/o
VILLAGE-MAHADEO BIGHA, POLICE STATION-NEEMCHAK
BATHANI, DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

3 29-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 323, 307, 302/34 of the Indian
Penal Code.

The son of the informant is said to have been killed
by the F.I.R. named accused persons.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has not committed any offence. In fact, the
alleged occurrence took place on 04.03.2020 whereas the
F.I.R. has been instituted on 06.03.2020 after lapse of almost
two days without explaining the plausible delay which



creates doubt over the prosecution version. He further submits that there is general and omnibus allegation against the petitioner and no specific allegation is attributed to him. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in custody since 06.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Neemchak Bathani P.S. Case No. 28 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 canceled 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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