

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51883 of 2021**

Arising Out of PS. Case No.-42 Year-2021 Thana- GAYA MUFASIL District- Gaya

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DURGA SAO Son of Sohrai Sao Resident of Village - Salempur, P.S.-
Muffasil, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Braj Kishore Pd., APP

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

4 11-05-2022 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 offence punishable under Sections 302,201/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 21.01.2021 at about 11.00 PM when Suryaveer Kumar Gupta, Sub Inspector of P.S. Muffasil alongwith other police personnel was on patrolling then they saw that two persons riding on a motorcycle were going to Green field School from Bhusunda and two persons riding on the motorcycle and the pillion rider was



carrying a big jute bag and when the police tried to stop them the driver of the motorcycle took u-turn and started fleeing away and on chase by throwing the bag and leaving the motorcycle both the persons fled away taking the benefit of the night and when the police opened the bag then they found a dead body of a youth aged about 25 years old and when the said motorcycle was searched some articles such as one litre petrol, a blue and black coloured shoes of right foot and four packets of salt of Tata company.

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 in fact the petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of the self-confessional statement of the petitioner. He further submits that there is no eye witness of the alleged occurrence and during investigation nothing has come against the petitioner except the confessional statement of the petitioner.

Vide order dated 30.03.2022, a report was called for with regard to the stage of the trial. Report reveals that the case is pending for hearing on charge and the petitioner is in custody since 23.01.2021.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of the charges** 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 Gaya Muffasil P.S. Case No.42 of 2021, 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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