

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52412 of 2021

Arising Out of PS. Case No.-32 Year-2020 Thana- BIDUPUR District- Vaishali

Ashok Kumar Son of Valeshwar Ray Resident of Village - Mayil, P.S.-
Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code.

According to prosecution case, as per written report of one Md. Sattar alleging therein that his son Md. Ibram @ Sony went to the Asiyana more at Patna and develop a friendship a boy called Yadav. The informant's son had gone to sleep in the poultry farm with other co-accused persons (his friends) including one Yadav Jee. He has been found murdered with his throat slit next morning.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that the name of the petitioner has been transpired during the investigation and the confessional statement of co-accused namely, Yadav Jee @ Bappi Kumar Singh. He further submits that there is no eye witness of the alleged occurrence except the confessional statement of co-accused nothing has come during investigation. He further submits that similarly situated, co-accused, namely, Yadav Jee @ Bappi Kumar Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 24.03.2021 passed in Cr. Misc. No. 40062 of 2020 and another co-accused namely, Md. Sonu has been granted bail by a co-ordinate Bench of this Court vide order dated 08.12.2021 passed in Cr. Misc. No. 35933 of 2021. The petitioner is in custody since 05.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, 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 the learned Court



below where the case is pending in connection with Bidupur

P.S. Case No. 32 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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