

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55394 of 2021

Arising Out of PS. Case No.-445 Year-2016 Thana- PHULWARISHARIF District- Patna

SHAGAR RAI (GOPE) @ BIRMANI KUMAR SON OF SRI RAMJI RAI
R/O VILLAGE- KUNJWAN, P.S.- BIHTA, DIST.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2022 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 through video conferencing.

The petitioner seeks bail in connection with Phulwari Sharif (Janipur) P.S. Case No. 445 of 2016 registered for the offence under Sections 302, 201 and 34 of the Indian Penal Code.

The husband of the informant is said to have been killed by the petitioner and others.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, according to the F.I.R., the victim was missing since 06.08.2016 and information in



this regard has been given to the police by the informant on 09.08.2016 and after recovery of dead body of the deceased, the informant lodged the instant F.I.R. on 11.08.2021 against the petitioner and Shankar Gope without explaining the plausible delay, which creates doubt over the prosecution version. It is apparent that the entire F.I.R. is based on suspicion and there is no eye witness to the alleged occurrence. The police after investigation has also submitted charge sheet against the petitioner in this case on 15.04.2021. Moreover, the co-accused, namely, Shankar Gope @ Shankar Rai has already been granted bail by a co-ordinate Bench of this Court vide order dated 06.04.2018 passed in Cr. Misc. No. 13013 of 2018. The petitioner is rotting in judicial custody since 18.02.2021.

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

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 A.C.J.M.-IX, Patna in connection with Phulwari Sharif (Janipur) P.S. Case No. 445 of 2016 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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