

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57043 of 2021**

Arising Out of PS. Case No.-190 Year-2021 Thana- SAHARSA SADAR
District- Saharsa

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Md Asgar @ Barud S/o Nazam Resident of Niyamat Tola, Ward No. 15,
Gangjala, P.S.- Saharsa, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Binod Kumar Sinha, Advocate

For the State : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 18-04-2022

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 offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code.

As per prosecution case, in brief, it is alleged by the informant that his two sons namely Vikash Kumar and Vikram Kumar were reading at J.K. Physics Class near Islamiya Chowk, Saharsa in a Khapra bush house and residing at same campus.. Further alleged that on 22.02.2021 his son Vikash Kumar reached at his rented house and found his brother Vikram Kumar was missing and after that his dead body found in a latrine room.



It is further alleged that three persons named in the F.I.R. were also living at that campus. After seeing the CCTV footage of 18 hours which shows that these three persons along with unknown making conspiracy murdered his son namely Vikram Kumar.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that in fact the petitioner is not named in the F.I.R. and has been implicated only on the basis of confessional statement of the petitioner and there is no eye witness to the alleged occurrence and during investigation nothing has come against the petitioner. Similarly situated co-accused namely Ajay Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 02.03.2021 in Cr. Misc. No. 38909 of 2021 and another co-accused namely Raushan Kumar has been granted bail by this Court vide order dated 04.04.2022 in Cr. Misc. No. 48915 of 2021 respectively. Further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 02.04.2021.

Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Rupees 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 Saharsa P.S. Case No. 190 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 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 witness, 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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