

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57931 of 2021

Arising Out of PS. Case No.-52 Year-2011 Thana- SINGHIYA District- Samastipur

RAJAN KUMAR Son of Ramagya Singh Resident of Village - Sakhmohan,
P.S.- Bibhutipur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-05-2022 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 offences punishable under Sections 302, 201/34 of the Indian Penal Code.

The F.I.R. of the occurrence of murder is against unknown.

Learned counsel for the petitioner submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of confessional statement of co-accused persons namely Rajesh Kumar and



Santosh Kumar. He further submits that except confessional statement of co-accused persons nothing has come during investigation against the petitioner and similarly situated co-accused namely Santosh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 17.05.2013 in Cr. Misc. No. 47978 of 2012 and another co-accused namely Rajesh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 18.12.2012 in Cr. Misc. No. 44256 of 2012 respectively. Police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 27.03.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner but fairly submits that during investigation nothing has come against the petitioner. He further submits that the petitioner carries two more cases other than the present one.

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 Sessions Trial No. 52 of 2011 arising out of Singhiya P.S. Case No. 63 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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