

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63481 of 2021**

Arising Out of PS. Case No.-104 Year-2020 Thana- ATHMALGOLA District- Patna

NIRAJ KUMAR @ DHIRAJ KUMAR @ DHIRAJ SINGH, S/o Umesh Singh Resident of Village - Hasanchak @ Hasanchak Rahimpur, P.S. - Athamalgola, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha

For the Opposite Party/s : Mr.Jitendra Kumar Singh

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

2 01-04-2022 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 the learned A.P.P. for the State.

The petitioners seek bail in connection with G.R. No. 659 of 2020 arising out of Athmalgola P.S. Case No. 104 of 2020 registered for the offence under Sections 304(B), 201, 34 of the Indian Penal Code.

As per allegation in the FIR, the petitioner along with other accused persons killed the daughter of the informant.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has falsely been implicated



in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner. Petitioner is brother-in-law of the deceased. He further submits that the petitioner is living separately from his parents and he has no concern with the alleged occurrence. He further submits that co-accused namely Sintu Singh who happens to be husband of the deceased has been granted privilege of regular bail vide order dated 24.02.2022 passed in Cr. Misc. No. 36351 of 2021 and the petitioner is rotting in judicial custody since 18.09.2021.

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 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 SDJM, Barh in connection with G.R. No. 659 of 2020 arising out of Athamalgola P.S. Case No. 104 of 2020 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 canceled by the Court below.

(2) If the petitioner tamper 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 bond 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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