

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67181 of 2021

Arising Out of PS. Case No.-191 Year-2020 Thana- SARAIYA District- Muzaffarpur

Abhay Kumar S/o Vishundeo Singh R/o village- Repura Rampur Balli, P.S.-
Saraiya, District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendera Narayan, Sr. Advocate Mr. Prabhat Kumar Singh, Advocate
For the Informant	:	Mr. Pankaj Kumar Singh, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 10-08-2022 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, learned counsel for the informant as well as learned APP for the State.

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

The father of the informant namely Rajdev Singh is said to have been killed by the accused persons including the petitioner to grab the land.

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



implicated in the present case only on the basis of suspicion. He further submits that in fact there is land dispute between the parties and there is no eye witness of the alleged occurrence. He further submits that during investigation it has come that the deceased died due to heart attack. He further submits that inquest reportr does not tally with the postmortem report and during investigation nothing has come against the petitioner. Learned counsel for the petitioner refers paragraph nos. 5, 21, 22, 22, 23, 47 and 48 of the case diary in which the independent witness says that the deceased was ill since time the Holly and he died due to heart attack. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.08.2021.

Learned counsel for the informant as well as learned APP for the State have vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material against 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



Saraiya P.S. Case No. 191 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 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 antecedents, 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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