

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4135 of 2023

Arising Out of PS. Case No.-566 Year-2022 Thana- KOTWALI District- Munger

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KRISHNA MOHAN PRASAD SAH @ KRISHNA MOHAN PRASAD @
KRISHNA Son of Late Mahendra Sah R/V- Puraniganj, P.s- Kasim Bazar,
Distt- Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Kumar Kamal Nayan
		Ms. Disha Kumari, Advocates
For the Opposite Party/s :		Mrs. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2023 Heard Mr. N.K. Agrawal, learned Senior counsel for
the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since
13.11.2022, in connection with Kotwali P.S. Case No. 566 of
2022, F.I.R. dated 13.11.2022 registered for the offences
punishable under Sections 406, 302/34 of the Indian Penal
Code.

Allegation against the petitioner is that he threw the
deceased Md. Gufran from the roof and during course of
treatment he was declared dead by the Doctor of P.M.C.H.,
Patna.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case merely on the basis of suspicion. He further submits that in fact the informant is not an eye witness of the alleged occurrence and no one has seen the occurrence as stated in the F.I.R. and no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 13.11.2022.

The learned Additional Public Prosecutor 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 Chief Judicial Magistrate, Munger in connection with Kotwali P.S. Case No. 566 of 2022, subject to 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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