

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6898 of 2023

Arising Out of PS. Case No.-353 Year-2022 Thana- RUPASPUR District- Patna

PERWEZ ALAM @ MD. PERWEZ Son of Late Laddan Residence naya tola,
Gabar Toil, PS- Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 27.06.2022, in connection with Rupaspur P.S. Case No. 353 of 2022, F.I.R. dated 15.06.2022, registered for the offences punishable under Sections 302, 201 and 120(B) of the Indian Penal Code.

Prosecution story is that a unknown dead body was in mud or water was recovered with the help of local person then the informant police official informed his senior officer and received direction and prepare the inquest report and also try to identify the body with local person and social media. Thereafter, the informant further stated that on perusal of occurrence place, it seems that it was a planned murder by



unknown accused to hide evidence and thrown the body in canal.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner is not named in the F.I.R. and the name of the petitioner transpired during investigation on the basis of confessional statement of co-accused, Atul Kumar. He further submits that except confessional statement no further material is available to suggest the involvement of the petitioner in the present case and police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 27.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the wife of the victim has stated that the petitioner was involved in the present case.

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



Additional District & Sessions Judge, Danapur, in connection with Rupaspur P.S. Case No. 353 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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