

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4095 of 2023

Arising Out of PS. Case No.-435 Year-2022 Thana- KESARIA District- East Champaran

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AMAN KUMAR Son of Sanjay Singh Resident of Village- Chanda Parsa
(Chand Parsa), P.S.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 7231 of 2023

Arising Out of PS. Case No.-435 Year-2022 Thana- KESARIA District- East Champaran

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ARJUN KUMAR Son of Sugreev @ Sugirit Mahto @ Sugiv Mahato
Resident of Village - Sagar Churaman Ward No.- 9, P.S.- Kesariya, District -
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 4095 of 2023)

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Arun Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 7231 of 2023)

For the Petitioner/s : Mr.Pramod Kumar Pandey

For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
26.10.2022 and 13.10.2022 in connection with Kesaraiya P.S.
Case No. 435 of 2022, F.I.R. dated 03.09.2022 for the offences
punishable under Sections 302, 34 of the Indian Penal Code.



According to prosecution case, as per written report of the informant namely, Baccha Singh stating therein that on 01.09.2022 at about 10.00 P.M. the informant's son went to sleep after having his dinner. After sometime the informant's son received a phone call from someone and he went by his motorcycle. It is further alleged that at about 6 A.M. villagers informed the informant that the dead-body of his son is lying near the Binda Bhagat's land, then the informant went at the spot and saw his son Prabhu Singh was stabbed to death by unknown persons.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that these petitioners are not named in the F.I.R. and the name of the petitioners have been transpired during investigation on the basis of confessional statement of Ranjan Sharma @ Rajan. He further submits that except the aforesaid no other cogent material has come during investigation to suggest the involvement of these petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 26.10.2022 and 13.10.2022 respectively.



The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kesaraiya P.S. Case No. 435 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, 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 petitioners and in case at any stage it is found that the



petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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