

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4339 of 2023

Arising Out of PS. Case No.-304 Year-2022 Thana- KISHANGANJ District- Kishanganj

SURAJ KUMAR Son of Upendra Paswan R/o Mumtaz Mohalla, Ward no. 13, P.S- Naugachiya Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

Petitioner seeks bail, who is in custody since 01.08.2022 in connection with Kishanganj P.S. Case No. 304 of 2022, G.R. No. 1134 of 2022, F.I.R. dated 27.07.2022 for the offences punishable under Sections 302/34 of the Indian Penal Code.

According to prosecution case, in brief, is that the informant gave her fard-beyan alleging therein that on 26.07.2022 at about 10:30 P.M. when her husband returning home from work, assailants shot him with bullet in his stomach and also attacked with sharp weapon on his back and neck. She further alleged that her husband called her on her mobile to inform about the incident. Thereafter, she immediately rushed to the spot and took her husband to the hospital with the help of



local residents where he died during the treatment.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Raju Kumar. He further submits that except the aforesaid no other cogent material has come during investigation against the petitioner to suggest the involvement in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 01.08.2022.

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

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Kisanganj in connection with Kishanganj P.S. Case No. 304 of 2022, G.R. No. 1134 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 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 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 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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