

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3551 of 2023

Arising Out of PS. Case No.-224 Year-2022 Thana- CHAUSA District- Madhepura

RESHAM KUMAR @ RESHAM LAL KUMAR Son of Jay Prakash Mandal
Resident of Village- Soran, P.S.- Rupauli (O.P. Akbarpur), District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. Pawan Kumar, Adv.
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-06-2023 Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioner and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
08.10.2022 in connection with Chousa P.S. Case No.224/2022,
F.I.R. dated 07.10.2022, for the offences punishable under
Sections 302/34 of the IPC.

According to prosecution case, the petitioner is alleged
to have assaulted the father of the informant on his neck by
means of knife due to which he died during course of treatment.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from bare



perusal of the F.I.R. it appears that the date of occurrence is 05.10.2022 but the present F.I.R. has been instituted on 07.10.2022. He further submits that before filing of the present case, the prosecution has prepared the inquest report and also obtained the postmortem report i.e. on 06.10.2022 itself. He further submits that in the aforesaid background it is suspected that after the aforesaid incident no one has named the petitioner and thereafter the petitioner has falsely been implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 08.10.2022.

Learned Additional Public Prosecutor for the State on the other hand 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 S.D.J.M., Udakishunganj, Madhepura, in connection with Chousa P.S. Case No. 224/2022, 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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