

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10835 of 2023

Arising Out of PS. Case No.-164 Year-2021 Thana- DAUDPUR District- Saran

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SURAJ SINGH @ SURAJ KUMAR SINGH Son of Vinay Singh R/V-
Jamanpura, P.S- Daudpur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
24.09.2022 in connection with Daudpur P.S. Case No.164/2021,
F.I.R. dated 22.07.2021, for the offences punishable under
Sections 364, 302, 201 and 34 of the Indian Penal Code.

According to prosecution case, the informant had
disclosed that at the evening of 21.07.2021 his son (deceased)
went outside the house at about 8.00 p.m. for walk but thereafter
he did not return the house.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case only on the basis of mobile phone.
He further submits that the petitioner is not named in the F.I.R.



The name of the petitioner has been transpired on the basis that he used the mobile phone of the deceased. He further submits that in fact the petitioner has purchased the same from one Deepak Kumar without paper and the name of the petitioner has been transpired on 23.09.2022 and the co-accused, namely, Jitendra Mohan and Ranjeet Mahto, whose names also transpired during investigation on the basis of suspicion have been granted bail by a co-ordinate Bench of this Court vide order dated 17.08.2022 and 30.09.2022 passed in Cr. Misc. No.17982/2022 and Cr. Misc. No.37670/2022 respectively and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 24.09.2022.

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 J.M.1st Class, Saran at Chapra, in connection with Daudpur P.S. Case No. 164/2021, 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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