

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13461 of 2023

Arising Out of PS. Case No.-447 Year-2022 Thana- SHASTRINAGAR District- Patna

1. MUKUL KUMAR @ A.J. Son of Madan Mohan Rai @ Madan Mohan Singh R/o Gandhi Murti, Punaichak, P.S.- Shastri Nagar, District- Patna
2. SUBODH KUMAR Son of Mahesh Ray R/o behind Punaichak Radha Krishna Mandir, P.S.- Shastri Nagar, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Raj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 28-08-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 12.09.2022 in connection with Shastri Nagar P.S.Case No.447 of 2022, F.I.R. dated 28.07.2022 registered for the offence punishable under Section 302 of the Indian Penal Code.

3. The FIR of the occurrence of murder is against unknown.

4. Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. Petitioners are not named in the FIR. The name of the petitioners have been transpired during investigation on the



basis of the confessional statement of the co-accused person, namely, Rishi Raj @ Laddu. Further submits that the statement of the co-accused person, namely, Rishi Raj @ Laddu was recorded in para-45 of the case diary in which he has categorically stated that the petitioners have caught hold the deceased and co-accused person, namely, Rishi Raj @ Laddu has cut the throat of the deceased. Further submits that from a bare perusal of the statement of co-accused person, namely, Rishi Raj @ Laddu it appears that the petitioners have only caught hold the deceased and there is no accusation of any assault or overt-act attributed against both the petitioners and the petitioners are in custody since 12.09.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner No.1 carries three more cases and petitioner No.2 carries one more case other than the present one but fairly submits that the petitioners are on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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 learned C.J.M., Patna in



connection with Shastri Nagar P.S.Case No.447 of 2022, with the following conditions:-

(I) 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.

(II) 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.

(III) 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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