

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13139 of 2023

Arising Out of PS. Case No.-190 Year-2022 Thana- PURNAHYA District- Sheohar

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DILIP KUMAR @ DILIP RAY S/O UDAN RAY R/v- Ashopur, P.S.-
Purnahiya, district- Sheohar (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sriram Krishna
		Mr. Abhijeet Gautam, Advocates
For the Opposite Party/s :		Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-06-2023 Learned counsel for the petitioner is permitted to make correction in paragraph-1 of the petition during course of the day.

Heard Mr. Sriram Krishna, learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since 05.12.2022, in connection with Purnahiya P.S. Case No. 190 of 2022, F.I.R. dated 30.11.2022 registered for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code.

The F.I.R. of the occurrence of murder is against unknown.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the 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 persons namely Kajal Kumari. He further submits that in fact the petitioner was not present in the Town and on the date of the occurrence he was in Sitamarhi. He further submits that except the confessional statement of co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.12.2022.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sheohar in connection with Purnahiya P.S. Case No. 190 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 witness, 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 antecedents, 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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