

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12855 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- NAYA RAM NAGAR District- Munger

SHAMBHU NATH Son of Haricharan Mandal Resident of Village - Lohcha
Patam, P.S.- Naya Ramnagar, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
01.08.2022 in connection with Naya Ramnagar P.S.Case
No.140 of 2022, F.I.R. dated 31.07.2022 registered for the
offence punishable under Sections 302/120(B)/34 of IPC.

3. Allegation against the petitioner is that he
alongwith other FIR named accused persons called the son of
the informant from the house and took him towards hill and
killed him by sharp cutting weapons.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits



that as per FIR the petitioner and other co-accused persons called the son of the informant from the house and took him towards hill and killed him by sharp cutting weapons. Further submits that the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion, the petitioner has been implicated in the present case. In fact on the date of occurrence, the petitioner was present in the Doctor's meeting of PHC, Jamalpur. Further submits that the petitioner has no concern at all with the present occurrence and except the confessional statement of the petitioner, no other material has come during investigation against the petitioner 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 01.08.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, 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 learned Additional Chief Judicial Magistrate-1st Munger in connection with Naya



Ramnagar P.S.Case No.140 of 2022,with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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