

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15701 of 2023

Arising Out of PS. Case No.-83 Year-2022 Thana- PIPRAKOTHI District- East Champaran

Dipak Pandey Son of Dharmnath Pandey R/V- Vishunpur P.S- Madhuban
Dist- East Champaran Bihar Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 07.01.2023 in connection with Piprakothi P.S. Case No. 83 of 2022, F.I.R. dated 18.03.2022 for the offences punishable under Sections 302, 201, 120B/34 of the Indian Penal Code.

4. According to prosecution case, this petitioner along with other accused persons have killed the brother of the informant and threw dead body near Mohna bridge.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that the



informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion, he named the petitioner in the present F.I.R. He further submits that on the basis of CDR location, the petitioner was present on the place of occurrence and thereafter, the confessional statement of the co-accused, namely, Babloo Kumar was recorded in which he has stated that the petitioner was also involved in the present crime in question and except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 07.01.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 11th Additional Chief Judicial Magistrate, Motihari, East Champaran in connection with



Piprakothi P.S. Case No. 83 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 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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