

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16777 of 2023

Arising Out of PS. Case No.-95 Year-2022 Thana- PAROO District- Muzaffarpur

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Madan Kumar Son Of Late Lalbahadur Barai @ Lalbahadur Bhagat Resident
Of Village- Bahidinpur, P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Nandan Pandit, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
04.11.2022, in connection with Sessions Trial No. 527 of 2022
arising out of Paroo P.S. Case No. 95 of 2022, F.I.R. dated
07.03.2022 registered for the offences punishable under
Sections 302/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 06.03.2022 at
about 3:00 P.M. Vijay Bhagat came at his door and took away
his son Ashutosh Kumar @ Munna Kumar and both are friends
and when Ashutosh Kumar @ Munna Kumar did not return in
the night then in the morning about 5:00 P.M. the informant
along with his son Ankush Kumar and his brother Dhirendra Rai
went to the door of Vijay Bhagat and saw 15 to 20 persons were



standing there and one Satynarayan Bhagat and his family members dragged his son and started assaulting by saying that due to mistake taken by Ashutosh Kumar @ Munna Kumar his son met an accident. It is further stated that when the informant and his family members attempted to save his son then the named accused persons badly assaulted not only his son rather informant and his family members also. The informant rushed to the police station and informed the police then police came but his son was killed.

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 allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not participated in the alleged occurrence as 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 the disclosure made by the independent witness. He further submits that the petitioner was also present at the place of occurrence but from perusal of the F.I.R. it appears that there is no specific accusation of any assault or overt act against the petitioner rather there is specific accusation of assault against other co-accused person and the police after investigation



submitted chargesheet against the petitioner and the petitioner is in custody since 04.11.2022.

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 14th Additional Sessions Judge, Muzaffarpur, in connection with Sessions Trial No. 527 of 2022 arising out of Paroo P.S. Case No. 95 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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