

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20710 of 2023

Arising Out of PS. Case No.-73 Year-2022 Thana- JAMALPUR District- Munger

Priyanshu Kumar S/O Late Punit Singh R/O Mohalla- Sadar Bazar, P.S-
Jamalpur, Distt.- Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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.

Petitioner seek bail in connection with Jamalpur P.S.
Case No. 73 of 2022 , F.I.R. dated 06.05.2022 for the offences
punishable under Sections 302/34 and 120(B) of the Indian
Penal Code.

According to prosecution case, there was illicit
relation between the deceased/husband of the informant and one
Shobha Devi and she demanded Rs. 5,00,000/- from the
deceased. It is further alleged that Shobha Devi abused the
informant and her children and threatened her that she will kill



the informant and her children.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that there is no allegation of assault or overt act against the petitioner. He further submits that it appears from the F.I.R. that the petitioner is the person who had carried the husband of the informant to the hospital. He further submits that the husband of the informant was lying in the house of the co-accused, Shobha Devi. He further submits that except the aforesaid, no other cogent material has come during investigation to suggest that the petitioner was involved in the present occurrence and there is no eye witness of the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that the similarly situated co-accused person, namely, Rinku Devi @ Sheela Devi and its analogous case has been granted bail by this Court vide order dated 05.04.2023 passed in Cr. Misc. No. 57845 of 2022. The petitioner is in custody since 02.01.2023.

The learned Additional Public Prosecutor on the basis of the material available on record and the case diary has



vehemently opposed the prayer for bail of the petitioner but fairly submits that except the suspicion, no other cogent material has come during investigation to suggest that the petitioner was involved in the present occurrence.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Munger in connection with Jamalpur P.S. Case No. 73 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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