

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21357 of 2023

Arising Out of PS. Case No.-442 Year-2022 Thana- PHULWARISHARIF District- Patna

Nanhe @ Kamal Son Of Md Nehal Resident Of Bauli Mohalla, Phulwari Sharif, P.S -Phulwari Sharif, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Madhumay Madhup, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2023 Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioner and learned APP for the State.

2. Petitioner seeks bail, who is in custody since 27.06.2022, in connection with Phulwarisharif P.S. Case No. 442 of 2022, F.I.R. dated 02.05.2022 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

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

4. Learned Senior 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 person and except the



confessional statement of co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and thereafter the petitioner has also confessed his guilt in the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 27.06.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence and charge has already been framed on 21.07.2023.

6. Considering the facts and circumstances of the case that the petitioner is not named in the F.I.R and the name of the petitioner has been transpired on the basis of confessional statement of the co-accused person as well as the petitioner having clean antecedent and the petitioner is in custody since 27.06.2022, 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 Additional Chief Judicial Magistrate-IV, Patna in connection with Phulwarisharif P.S. Case No. 442 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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