

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21229 of 2023

Arising Out of PS. Case No.-214 Year-2022 Thana- BARIYARPUR District- Munger

1. Sukesh Kumar @ Chhotu S/O Laddu Singh Resident of Village- Itwa, P.S.- Dharahra, District- Munger.
2. B. C. @ Raghunandan Sharma S/O Ajay Sharma Resident of Village- Pachrukhi, P.S.- Dharahra, District- Munger.

... .. petitioners/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

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

Petitioners seeks bail who are in custody since
30.12.2022 in connection with Bariyarpur P.S. Case No. 214 of
2022, F.I.R. dated 28.12.2022 for the offences punishable under
Sections 364/34 of the Indian Penal Code and later on Sections
302 and 120B of the Indian Penal Code was added.

According to prosecution case, the informant
suspected that the driver of the scorpio namely, Vicky Kumar



and its owner Suman Kumar killed her husband.

Learned counsel for the petitioners submits that petitioner, namely, Sukesh Kumar carries one criminal antecedent other than the present one where as petitioner, namely, B.C. @ Raghunandan Sharma has clean antecedent and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R and the name of the petitioners have been transpired on the basis of the confessional statement of the co-accused persons, namely, Jitendra Kumar and Bikku Kumar. He further submits that except the confessional statement of the co-accused persons, no other material has come during investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 30.12.2022.

The learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate 1st Class, Munger in connection with Bariyarpur P.S.

Case No. 214 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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