

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23230 of 2023

Arising Out of PS. Case No.-95 Year-2017 Thana- DERNI BAZAR District- Saran

=====

KRISHNA RAY @ KRISHNA YADAV S/O DINA NATH RAY @
SATRUDHAN RAY Resident of Village- Bhalui, P.S.- Marhowrrah, District-
Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
10.10.2022 in connection with Derni P.S. Case No. 95 of 2017,
F.I.R. dated 15.08.2017 registered for the offence punishable
under Sections 302/34 of IPC and Section 27 of the Arms Act.

3. The FIR of the occurrence of murder is against
unknown.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Learned counsel for the petitioner submits that the
petitioner is not named in the FIR. The name of the petitioner
has been transpired during investigation on the basis of the



confessional statement of co-accused person, namely, Govind Kumar Gupta. Further submits that except the confessional statement of co-accused person, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. Further submits that co-accused persons, namely, Govind Kumar Gupta, Murari Kumar and Munna Miyan @ Danish Eqbal have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 23.02.2018, 23.04.2019 and 19.11.2019 passed in Cr. Misc. Nos. 10490 of 2018, 6624 of 2019 and 71556 of 2019 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 10.10.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits the petitioner carries three more cases other than the present one.

6. Considering the aforesaid facts, 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 learned A.C.J.M.-VII, Saran at Chapra in connection with Derni P.S. Case No. 95 of 2017, with the



following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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)

Nitesh/-

U		T	
---	--	---	--

