

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30092 of 2023

Arising Out of PS. Case No.-633 Year-2022 Thana- BARHARA District- Bhojpur

Kamlesh Nut Son Of Late Guhari Nut Resident Of Village - Belwaniya, P.S. -
Bihiya, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 16.10.2022 in connection with Barhara P.S. Case No. 633 of 2022, F.I.R. dated 31.08.2022 for the offences punishable under Sections 120(B), 302 and 201/34 of the Indian Penal Code.

3. According to prosecution case, grand-son of the informant was alleged to have been murdered by some accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case due to previous dispute. He further submits that only on the basis of suspicion, the petitioner has been implicated in this case. He further submits that the allegation as alleged in



the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that it has come during investigation on the basis of confessional statement of co-accused person, in which he has confessed his guilt and fairly stated that he has cut the neck of the deceased and the petitioner has caught hold of the deceased. Learned counsel for the petitioner submits that it appears from the confessional statement of the co-accused persons that there is no accusation of any assault or overt act attributed against the petitioner, the only accusation of assault is that he has caught hold of the deceased and the co-accused has cut the neck of the deceased. He further submits that co-accused persons, namely, Munni Devi vide order dated 15.05.2023 in Cr. Misc. No. 12091 of 2023 and another co-accused Mukesh Nat and its analogous case vide order dated 16.05.2023 in Cr. Misc. No. 9454 of 2023 have been granted bail by the co-ordinate Bench of this Court. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 16.10.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during the



investigation to suggest the involvement of the petitioner in the present crime in question that he has caught hold of the deceased and the co-accused person has cut the neck of the deceased. Apart from the aforesaid, the petitioner carries one criminal antecedent other than the present one.

6. 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, Bhojpur at Ara, in connection with Barhara P.S. Case No. 633 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

Aditi

(Rajesh Kumar Verma, J)

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