

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22372 of 2023

Arising Out of PS. Case No.-610 Year-2022 Thana- DARIYAPUR District- Saran

SHAM BABU RAI @ SHYAMBABU RAI Son of Late Ekarsi Rai R/V-
Jhauwa Tola, Darihara, PS- Dariapur Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Dariyapur
P.S. Case No. 610 of 2022 registered for the offence under
Sections 364 and 34 of the Indian Penal Code and the police has
submitted charge-sheet under Sections 302, 365, 201 and 34 of
the Indian Penal Code.

The brother of the informant is alleged to have been
killed by the petitioner and others.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case merely on the basis of
suspicion. 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 and merely based on suspicion. He further submits that during course of investigation the petitioner has confessed his guilt, which is evident from the paragraph-46 of the case diary, and stated that he has killed the deceased. He further submits that the police has submitted charge-sheet under Section 302 of the Indian Penal Code in this case without recovery of the dead body. Save and except the confessional statement of the petitioner before the police, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 13.11.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Additional District and Sessions Judge-V, Saran at Chhapra in connection with S.T. No. 112 of 2023 arising out of Dariyapur P.S. Case No. 610 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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