

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23164 of 2023

Arising Out of PS. Case No.-83 Year-2022 Thana- PIPRAKOTHI District- East Champaran

VIVEK KUMAR S/O GANESH SAH R/O Village/Mohalla- Godwa, P.S-
Muffasil, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Pipra
Kothi P.S. Case No. 83 of 2022 registered for the offence under
Sections 302, 201, 120(B) and 34 of the Indian Penal Code.

According to the prosecution case, the brother of the
informant is alleged to have been killed by the petitioner and
other accused persons and thrown the dead body near the
Mohna bridge.

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. He further submits that
the petitioner has not been named in the F.I.R. but on the
confessional statement of the co-accused, Babloo Kumar in which



he has stated that he along with the petitioner were involved in the present occurrence, this petitioner has been apprehended in this case. He further submits that it has come during investigation that according to the CDR location the petitioner was present at place of occurrence. Save and except the confessional statement of the co-accused and the CDR location, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, co-accused, Dipak Pandey has already been granted bail by this Court vide order dated 19.07.2023 passed in Cr. Misc. No. 15701 of 2023. 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 26.05.2022.

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, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Pipra Kothi P.S. Case No. 83 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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