

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27440 of 2023

Arising Out of PS. Case No.-216 Year-2021 Thana- BODHGAYA District- Gaya

UDAY KUMAR Son of Ganga Yadav R/V- Dirawan PS- Bodhgaya (Cherki)
Dist-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate

For the Opposite Party/s : Mrs.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-10-2023 Heard Mr.Shivendra Prasad, learned counsel for the
petitioner and Mrs.Suman Kumari Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bodhgaya (Cherki) P.S. Case No.216 of 2021, FIR dated 24.07.2021 registered for the offences punishable under Sections 328,302/34 of IPC.

3. Allegation against the petitioner is that he alongwith other co-accused persons have conspired together and in pursuance to the said criminal conspiracy the son of the informant was given tea laced with poison due to which the son of the informant died later on.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated



in the present case on the basis of suspicion and the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the informant is not the eye witness of the alleged occurrence and the allegation as alleged in the FIR does not support the medical evidence as well as the F.S.L. report.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 J.M.1st Class, Gaya in connection with Bodhgaya (Cherki) P.S. Case No.216 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds shall be cancelled by the Court below.

(II) If the petitioner tamper 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/her criminal antecedents, 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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