

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27513 of 2023

Arising Out of PS. Case No.-498 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

Nayan Prakash Das Son Of Dasrath Ram Das Resident Of Village- Durga
Mandir Chausa, P.S- Buxar (Muffasil), Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashwini Kumar Rai,Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-08-2023 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
19.11.2022 in connection with Buxar (Muffasil) P.S. Case No.
498 of 2022, F.I.R. dated 10.11.2022 registered for the offence
punishable under Sections 302/ 34 of the Indian Penal Code.

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

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Petitioner is not
named in the FIR. The name of the petitioner has been
transpired during investigation. The mobile phone of the
deceased was recovered from one Ajit Rai and his confessional



statement in para-76 of the case diary in which Ajit Rai stated that he has purchased the mobile phone from the petitioner and thereafter the statement of the petitioner was recorded in which he accepted the involvement in the present crime in question and apart from that the C.D.R. location of the petitioner was also found near the place of occurrence and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 19.11.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that apart from the confessional statement of the petitioner, other witnesses have also supported the prosecution version and it has come during investigation that the petitioner has sold the mobile phone of the deceased to one Ajit Rai and his Tower location was found at the place of the occurrence and petitioner has also confessed his guilt in the present occurrence.

6. Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail **after framing of the charges** 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., Nuxar in connection with Buxar (Muffasil) P.S. Case No. 498 of 2022, 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)

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