

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30147 of 2023

Arising Out of PS. Case No.-208 Year-2019 Thana- JANDAHA District- Vaishali

BIRJU KUMAR @ BIRJU KUMAR DAS S/o- UMA SHANKAR DAS
Village- Chakbigjani Ps- Hajipur Sadar Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-08-2023 Heard the parties.

The petitioner is in custody in connection with Jandaha P.S. Case No. 208 of 2019 for the offence under sections 302/34 of the Indian Penal Code and 27 of Arms Act lodged on 21.08.2019 by the informant, Randhir Kumar.

As per the prosecution story, one Sunil Kumar has solemnized love marriage with the daughter of Santosh Mahto and the couple fled away to Punjab for which a case was lodged and the girl was recovered. As a revenge, Santosh Mahto, Ramu Sahni and Birju Das killed the informant's brother, Sunil Kumar. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that he has nothing to do with it, the daughter of Santosh Mahto had eloped, he has been unnecessarily dragged in the matter and the similar



situate, Ramu Sahni has since been released on bail by a co-ordinate Bench vide Cr. Misc. No. 86838 of 2019.

It is his further submission that he is a young boy, student of LLB, is in custody since 30.01.2023.

Mr. Bharat Bhushan, learned APP opposes the prayer for bail.

Considering the fact that his name has come alongwith Ramu Sahni, who has since been granted bail, as stated above, is in custody since 30.01.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Vaishali at Hajipur, in connection with Jandaha P.S. Case No. 208 of 2019 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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