

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29014 of 2023

Arising Out of PS. Case No.-214 Year-2022 Thana- BARIYARPUR District- Munger

Jitendra Kumar @ Jitendra Kumar Choudhary @ Jitendra Choudhary Son of
Kartik Choudhary Resident of village - Itwa, P.S. - Dharhara, Distt. - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 30.12.2022, in connection with Bariyarpur P.S. Case No. 214 of 2022, F.I.R. dated 28.12.2022 registered for the offences punishable under Sections 364/34, 302, 120(B) of the Indian Penal Code.

3. Allegation against the petitioner is to commit the murder of husband of informant along with named co-accused persons, where occurrence is alleged to be arises out of previous dispute relating to money transaction.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not



named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person namely Vicky Kumar and thereafter the self confessional statement of the petitioner which was recorded in the present case and the petitioner also confessed his guilt in the present occurrence. He further submits that except the confessional statement of co-accused person and the self confessional statement of the petitioner, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person namely Abhishek Kumar @ Nepali has been granted bail by a Coordinate Bench of this court vide order dated 24.05.2023 passed in Cr. Misc. No. 26840 of 2023, another co-accused persons namely Sukesh Kumar @ Chhotu and B.C. @ Raghunandan Sharma have been granted bail by a Coordinate Bench of this Court vide order dated 13.07.2023 passed in Cr. Misc. No. 21229 of 2023, another co-accused person namely Adarsh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 04.08.2023 passed in Cr. Misc. No. 32616 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 30.12.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the



petitioner and submits that the confessional statement of co-accused person lead to recovery of the dead body of the deceased and apart from the aforesaid the petitioner has one criminal antecedent but fairly submits that the petitioner is on bail.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Munger in connection with Bariyarpur P.S. Case No. 214 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 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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