

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29737 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- KASBA District- Purnia

KAJU KUMAR @ KAJU @ ASLAM @ MD. ASLAM son of Raju Khalifa
@ Samruddin Village- Fulwaria Ps- Kasba Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kasba
P.S. Case No. 29 of 2023 registered for the offences punishable
under Section 302/34 of the IPC.

As per prosecution case, on 19.01.2023 co-accused
Sanjeev Kumar had taken informant's son to Birpur for catering
work on daily wages. For the said Catering work, petitioner and
others had gone to Birpur alongwith 8-10 men in auto. On
20.01.2023 at about 5 a.m., informant woke up and found the
dead body of her son in her angan (courtyard) and accused
persons including the petitioner fled away.

Learned counsel for the petitioner submits that
petitioner is in custody since 21.01.2023 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that specific allegation of taking away informant's son for catering work is against co-accused Sanjeev Kumar and against Md. Iftekhar from whose tempo informant's dead body was thrown up and petitioner has nothing to do with the alleged occurrence. He further submits that petitioner is daily wage earner and except suspicion there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Chief Judicial Magistrate, Purnea, District-Purnea in connection with Kasba



P.S. Case No. 29 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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