

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30514 of 2022**

Arising Out of PS. Case No.-227 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Jitendra Choudhary @ Kashmiri Chaudhary Son of Ramlochan Chaudhary @
Ramlochan Sahani Resident of village - Suratpur Ward No.- 13, P.S.-
Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 13-01-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 201, 120(B) of the
Indian Penal Code.

According to prosecution case, as per the FIR the
grand son of the informant who was aged about 15 years had
left his house after getting a mobile phone
call from one number mentioned in the FIR, thereafter he did
not return and later on his dead body was found.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that there is no eye witness of the alleged occurrence and only on the basis of suspicion the name of the petitioner has falsely been implicated in this case. He further submits that except the suspicion no other cogent material has come during investigation against the petitioner and one witness Rahul Kumar has recorded his statement under Section 164 Cr.P.C. in which he has categorically stated that petitioner has given the money for the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner on 30.04.2022. The petitioner is in custody since 08.02.2022.

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

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Muffasil (Samastipur) P.S. Case No. 227 of 2020, 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 witnesses, 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 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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