

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30798 of 2023

Arising Out of PS. Case No.-101 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Dubli Devi Wife of Baidhanath Rai, Resident of Village-Baghara Mohanpur
Ps-Patori Dist-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udbhav, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
07.02.2023 in connection with Shahpur Patori (Mohanpur O.P.)
P.S. Case No. 101 of 2023, F.I.R. dated 04.02.2023 for the
offences punishable under Sections 302, 201 of the Indian Penal
Code.

3. According to prosecution case, one Ashok Rai
lodged a written report alleging therein that on 02.02.2023 at
around 09:00 P.M. his son Aditya Kumar was sleeping with his
younger brother at the Darwaja beside the bed of their
grandfather, when a call came to the Mobile No.9534615109 of
Aditya Kumar which he received and hung up shortly, and it
was heard by Ayush Kumar, his younger son after which , both



the brothers slept. When his younger son Ayush Kumar woke up at around 5 A.M. Aditya Kumar was called up on his mobile but it was switched off. He was enquiring in the vicinity, when there was hulla that a person has been murdered and hung over a tree at Mohanpur-Patori Road. He went there along with his co-villagers and saw that his son Aditya Kumar had been killed by hanging by unknown persons, with sharp cut wound on the back side of his head.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person namely, Sanoj Kumar who is happens to be brother of the petitioner. He further submits that except the confessional statement of co-accused Sanoj Kumar, no other cogent material have come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 07.02.2023.

5. The learned Additional Public Prosecutor for the



State has vehemently opposed the prayer for bail of the petitioner and submits that apart from the confessional statement of co-accused persons, the CDR location of the co-accused was found there is no touch with the mobile of the petitioner.

6. 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 Judicial Magistrate, 1st Class, Samastipur in connection with Shahpur Patori (Mohanpur O.P.) P.S. Case No. 101 of 2023, 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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