

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31285 of 2023

Arising Out of PS. Case No.-215 Year-2019 Thana- BAKHTIYARPUR District- Patna

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AMIT KUMAR SON OF LATE NANAN RAM @ RAMNANDAN RAM
Resident of Village- Beltham, P.S.- Bakhtiyarpur, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 26-07-2023 Heard the parties.

The petitioner is in custody since 13.02.2020 in connection with Bakhtiyarpur P.S. Case No. 215 of 2019 for the offence punishable under Sections 302, 201/34 of the I.P.C. lodged on 05.07.2019 by the informant Nageshwar Prasad.

As per the prosecution story, the informant, Nageshwar Prasad is a Contractor. On 4th of July, 2019 the driver of the vehicle, namely, Ravindra Yadav, bearing Registration No. BRO1-PB-9313, proceeded from *pothi*. On the next day I.e 05.07.2019, he tried to call on the mobile of Falendra Kumar Singh but failed to call him. Later, an unknown dead body was recovered under Bakhtiyarpur police station and after going through the photograph, he came to Bakhriyarpur and gave his *fardbeyan* and he believed that the murder has been



committed by throttling the neck of the dead body and was thrown behind Satyam Hotel with an intention to conceal the evidence.

Earlier prayer for bail of the petitioner was rejected vide order dated 15.04.2022 passed in Cr. Misc. No. 60371 of 2021.

Report was called for which has been received vide letter no. 188 dated 25.05.2023, according to which, the charges has been framed whereafter the case has been transferred to the Court of Sessions Judge, Patna.

Taking into account the aforesaid facts as also that the trial is yet to start and the petitioner is in custody since 13.02.2020 (as stated in para 10 of the bail application), this Court is inclined to extended him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Court of Additional District and Session Judge V, Barh in connection with Bakhtiyarpur P.S. Case No. 215 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



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 month till trial 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)

Jagdish/Jyoti/-

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