

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31211 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- CHANDI District- Nalanda

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Ajay Kumar @ Ajay Singh @ Bucchi Singh Son of Sri Hriday Narayan Singh
Resident of Village - Tara Par, P.S. Bena, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur,
Ms. Vaishnavi Singh, Advocates
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-01-2023 Learned counsel for the petitioner is permitted to

remove the defects, as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 302, 201 of the Indian Penal

Code.

As per prosecution case, in brief, is that on

30.01.2022 at about 03:00 PM father of the informant namely

Sadhu Sharan Sharma went to see his field but did not return.

On searching informant has seen the dead body of his father on

alang which gone towards Bhagwan Khada. Some unknown



person has killed his father by sharp weapon and thrown his dead body.

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 in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of the confessional statement of co-accused Ashok Manjhi @ Gumani Manjhi and except the confessional statement of co-accused and the self confessional statement of the petitioner, no cogent material has come during investigation against the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 03.02.2022.

Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the basis of the material available on record as well as in the case diary and submits that the witnesses have enumerated that the petitioner along with other persons were present with the deceased. Learned counsel for the State submits that the confessional statement of the petitioner and other co-accused person does not corroborate the allegation from the postmortem report. Learned counsel for the State further submits that the



petitioner was made accused in Chandi (Bena) P.S. Case No. 342 of 2001 in which he was acquitted.

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 Court below where the case is pending in connection with Chandi (Bena) P.S. Case No. 35 of 2022, with 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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