

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35877 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- ABADPUR District- Katihar

KAMAL DAS Son of Babloo Das Resident of Village- Nigeldangi,
Vingouldangi, PS- Harishchandrapur, District- Malda (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-07-2023 Heard the parties.

The petitioner is in custody since 15.9.2022 in connection with Abadpur P.S. Case No. 146 of 2022 for the offence punishable under Sections 302/34 of the I.P.C. lodged on 15.9.2022 by the informant Sudip Ray.

The prosecution story, in brief, is that the informant alleged that on 14.9.2022, he received information that his mother Burnali Ray @ Alpana Ray has been killed by someone. He along with his wife Sharmila Chatterjee and other reached his mother's place and saw her dead body lying there. She was residing alone whereas the informant resides at the place of his grandmother.

Learned counsel for the petitioner submits that FIR is against unknown. Subsequently, during investigation, his name



has come in the confessional statement of co-accused Govind Das and accordingly is in judicial custody since 15.9.2022.

Learned APP opposes the prayer stating that his name has come in the confessional statement.

Considering the period of custody (15.9.2022) as incorporated in the order-sheet of the learned Sessions Judge, he do not have criminal antecedent and will ultimately have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

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 Judicial Magistrate,-1st Class, Katihar, in connection with Abadpur P.S. Case No. 146 of 2022 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 fortnight for next six months 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)

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