

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33018 of 2023

Arising Out of PS. Case No.-396 Year-2022 Thana- SABAUR District- Bhagalpur

Ashish Kumar S/O Late Medi Mandal R/O Chhoti Dhankhar, P.S- Sabour,
Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 30.09.2022 in connection with ST. No. 83 of 2023 arising out of Sabour P.S. Case No. 396 of 2022, F.I.R. dated 27.09.2022 for the offences punishable under Sections 396 and 412 of the Indian Penal Code.

4. According to prosecution case, the dead body of the husband of one Radha Devi was found near Dhankar Orchard and his TOTO, one mobile and golden locket was missing.

5. 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 the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Shatrughan Paswan and thereafter, the self confessional statement of the petitioner. He further submits that on the basis of the disclosure made by the petitioner, one mobile phone and one knife have been recovered from the possession of the petitioner. He further submits that till date no T.I.P. has been conducted by the prosecution and even the seized articles were not put on T.I.P. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 30.09.2022.

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

7. 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 Additional Sessions Judge X, Bhagalpur in connection with ST. No. 83 of 2023 arising out of Sabour P.S. Case No. 396 of 2022, 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)

Vanisha/-

U		T	
---	--	---	--

