

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48384 of 2023**

Arising Out of PS. Case No.-39 Year-2022 Thana- DARBHANGA District- Darbhanga

Tirupati Kumar Ray @ Tirupati Kumar S/O Bindeshwar Ray R/O Mohalla-
Madarpur, P.S- Laheriasarai, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 21-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 19.02.2022 in connection with Town P.S. Case No. 39 of 2022, F.I.R. dated 11.02.2022 for the offences punishable under Sections 147, 149, 285, 288, 302, 307, 323, 325, 327, 341, 354 and 436 of the Indian Penal Code and later on Section 302 was added.

3. According to prosecution case, the informant stated in her fardbeyan that she has been living in her house constructed on her land since last 40 years. One Shiv Kuma Jha wanted to capture her land forcibly. On one fine day, he went to the house of the informant to abuse and threaten her to vacate the house and land. She further alleged that on one fine day,



Shiv Kumar Jha along with 40 other unknown persons reached at her home with a J.C.B Machine and started demolishing her house, on raising the protest against him by her sister and brother, he sprinkled petrol and set them ablaze and when the informant came to save her brother and sister, she also suffered burn injuries.

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 the petitioner is not named in the F.I.R., and name of the petitioner is transpired only on the basis of confessional statement of the co-accused person namely Chhotu Kumar. He further submits that from the bare perusal of the F.I.R, it appears that the main accusation of assault is attributed against the co-accused person, namely, Shiv Kumar Jha and except the confessional statement of the co-accused person, no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. At best, the petitioner is a member of the Mob and the co-accused person namely **Satish Paswan** has been granted bail by the co-ordinate Bench of this Court vide order dated 16.01.2022 passed in Cr. Misc. No. 26380 of 2022, co-accused namely, **Mithilesh Kumar Paswan @**



Mithilesh Paswan has been granted bail on 09.02.2023 in Cr. Misc. No. 28248 of 2022, co-accused **Abhimanyu Raj Rajput @ Baba** has been granted bail on 16.02.2023 in Cr. Misc. No. 63846 of 2022 and co-accused **Mona Kumar @ Eshan** has been granted bail on 28.03.2023 in Cr. Misc. No. 1330 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.02.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail 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 Chief Judicial Magistrate, Darbhanga, in connection with Town P.S. Case No. 39 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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