

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39722 of 2023

Arising Out of PS. Case No.-159 Year-2022 Thana- GANGABRIDGE District- Vaishali

Runa Devi W/O Shambhu Rai R/O Village- Karnpura, Ps. Ganga Bridge,
Dist. Vaishali Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 21.10.2022 in connection with Ganga Bridge P.S. Case No. 159 of 2022, F.I.R. dated 03.07.2022 for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioner is alleged to have murdered the son of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and merely on the basis of suspicion, he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and his name is transpired during investigation on the basis of statement of the daughter of the informant. He further submits that one mobile phone has been recovered near the house of the petitioner which is claimed to be the phone of the deceased and there is no eye witness of the alleged occurrence. He further submits that in fact the daughter of the petitioner was having



love-affair with the deceased and on that ground they have suspected that the petitioner and other co-accused persons might have killed the son of the informant. He further submits that except the suspicion, no other material has come during the investigation to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.10.2022.

5. The learned Additional Public Prosecutor on the other hand on the basis of material on record and Case Diary has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation in Paragraph Nos. - 11, 15 and 16 of the Case Diary that the petitioner was involved in the present crime in question. Apart from the aforesaid, the petitioner carries one criminal antecedent other than the present one but fairly submits that on the basis of Paragraph No. 3 of the bail petition, petitioner is on bail in the pending case.

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, Vaishali at Hajipur, in connection with Ganga Bridge P.S. Case No. 159 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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