

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38678 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

Dayanand Kunwar S/O Late Rameshwar Kunwar R/O Village- Kaithma,
Ward No.-2, PS. Mufassil, Dist. Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarvottam Kumar, Advocate
For the Informant	:	Mr. Pawan Kumar, Advocate
		Mr. Dhaneshwar Vashist, Advocate
For the Opposite Party/s	:	Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
22.02.2023 in connection with Mufassil P.S. Case No. 97 of
2023, F.I.R. dated 19.02.2023 for the offences punishable under
Sections 302, 201, 120(B), 34 of the Indian Penal Code.

3. According to prosecution case, as per F.I.R the
allegation against the petitioner to murder the minor grandson of
the informant, Mayank Kumar @ Kanhaiya Kumar (14 years),
with the help of the other co-accused persons and also thrown
the dead body of the deceased somewhere in order to hidden the
dead body.



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 petitioner and informant are agnates and there are admitted land dispute between the parties and due to previous dispute the petitioner and his family members have falsely been implicated in the present case. He further submits that the informant is not the eye witness of the alleged occurrence and even no one has seen the present occurrence and during investigation the statement of the co-accused namely, Chandan Kumar recorded before the police in which he has stated that the Ram Bharose has fired upon the grandson of the informant. He further submits that except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 22.02.2023.

5. The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material have come during investigation to suggest the involvement of the petitioner in the present



occurrence.

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, Begusarai, in connection with Mufassil P.S. Case No. 97 of 2023, 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)

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