

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41024 of 2023**

Arising Out of PS. Case No.-125 Year-2022 Thana- ADAPUR District- East
Champanan

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CHUTUN PATEL son of Teja Raut Village- Kachurbari Ps- Harpur Dist-
East Champanan Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra
For the Opposite Party/s	:	Mr.Nitya Nand Tiwary
For the Informant	:	Mr. Ritesh Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-10-2023 Heard Mr. Sharda Nand Mishra, learned counsel for the

petitioner and Mr. Ritesh Verma, learned counsel for the

informant as well as learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Adapur (Harpur) P.S. Case No. 125 of 2022 registered for the
offence under Sections 302, 201 and 34 of the Indian Penal Code.

According to the prosecution, the petitioner along with
others are alleged to have committed murder of son of the
informant and one Manish Kumar on account of a land dispute.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner has not been named in the F.I.R., however, his name



transpired in this case during course of investigation on the basis of confessional statement of the co-accused, Vishal Kumar and on the basis of CDR location. Save and except the confessional statement of the co-accused and CDR location, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the petitioner is not the family member of the accused persons.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 S.D.J.M., Raxaul at Motihari, East Champaran in connection with Adapur (Harpur) P.S. Case No. 125 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled 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.

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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