

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41207 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- KAJRAILI District- Bhagalpur

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1. Gudiya Kumari Son Of Manoj Singh@ Manoj Prasad Singh Resident Of Village- Bahadurpur, P.S Kajraili, District -BHAGALPUR
 2. Manoj Singh @ Manoj Prasad Singh Son Of Upendra Singh Resident Of Village- Bahadurpur, P.S Kajraili, District -bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

3. Petitioners seek bail who are in custody since 17.03.2023 in connection with Kajraili P.S. Case No. 19 of 2023, F.I.R., dated 02.03.2023 for the offences punishable under Sections 302 / 201/ 120(B)/ 34 of the Indian Penal Code.

4. According to prosecution case, the petitioners are alleged to have murdered of one Abhishek Kumar who went to attend the marriage ceremony of his relative at Kamalpur and did not return.

5. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case on the basis of suspicion. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. and there is no any eye witness about the alleged occurrence. He further submits that the petitioner no. 1 is the daughter of the petitioner no. 2 and the deceased have love affair with petitioner no. 1, so the petitioner no. 1 and 2 might kill the son of the informant and there is no eye witness is found about the alleged occurrence. He further submits that the statement of the petitioner no. 2 was recorded under Section 164 of the Cr.P.C., in which he confessed that he has killed the son of the informant and except the confessional statement of petitioner no. 2, no other cogent material has come during investigation against these petitioners to suggest the involvement of the petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in custody since 17.03.2023.

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

7. Considering the aforesaid facts and circumstances, let the petitioners, 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 Miss Pallavi, learned J.M. - Ist Class, Bhagalpur, in connection with Kajraili P.S. Case No. 19 of 2023, 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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