

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41755 of 2022

Arising Out of PS. Case No.-77 Year-2020 Thana- BAKHTIYARPUR District- Patna

Udit Kumar Son of Nagina Yadav Resident of Village - Mogalpur, P.S.-
Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s :		Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 07-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
10.03.2022 in connection with Bakhtiyarpur P.S. Case No. 77 of
2020, F.I.R. dated 09.03.2020 for the offences punishable under
Section 364 of the Indian Penal Code and subsequently Sections
306, 201/34 of the Indian Penal Code was also added.

According to prosecution case, the petitioner along
with other accused persons have killed the daughter of the
informant due to non-fulfillment of demand of a motorcycle. It



is further alleged that all the accused persons used to torture and also ousted her from home after assaulting her.

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 the brother-in-law of the deceased and he has no concern at all with the family affairs of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Arvind Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 26.05.2022 passed in Cr. Misc. No. 7020 of 2022. The petitioner is in custody since 10.03.2022.

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

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 Additional Chief Judicial Magistrate- III, Barh District- Patna in connection with Bakhtiyarpur P.S. Case No. 77 of 2020, 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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