

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43390 of 2023

Arising Out of PS. Case No.-479 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

1. Niraj Kumar Son Of Ram Babu Ram Village Sahbajpur Ps Ahiyapur Dist Muzaffarpur
2. Minta Devi Wife Of Ram Babu Ram Resident Of Village- Shahbajpur, Ps- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-09-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since 15.02.2023 in connection with Ahiyapur P.S. Case No. 479 of 2021, F.I.R. dated 22.07.2021 for the offences punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

3. According to prosecution case, on the basis of First Information Report, is that the son of the informant had gone outside the house on 21.07.2021 at about 10:00 am and in the afternoon his mobile phone was found switched off. He did not return and when search was made on next day at about 04:00 pm, informant received the information that the dead body of



his son was lying near lichi orchard, near the house of Yugal Kishore Singh. The informant has raised suspicion against the accused persons named in the First Information Report.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that the informant is not the eye witness of the alleged occurrence and it has come during investigation there is one co-accused namely, Anand Kishore has stated in his confessional statement that the petitioners were also involved in the present crime in question. He further submits that similarly situated, co-accused, namely, Anand Kishore @ Chullu has been granted bail by a co-ordinate Bench of this Court vide order dated 26.05.2022 passed in Cr. Misc. No.12814 of 2022. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 15.02.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and submits that there is sufficient material has come during investigation to suggest the involvement of these petitioners in the present occurrence. He further submits that



petitioner no.1 namely, Niraj Kumar has confessed his guilt in the present occurrence and petitioners carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances and except the suspicion, no other cogent material has come during investigation to suggest the involvement of these petitioners in the present occurrence and similarly situated co-accused persons have been granted bail by co-ordinate Bench of this Hon'ble Court, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No.479 of 2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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