

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42235 of 2022

Arising Out of PS. Case No.-404 Year-2021 Thana- PAROO District- Muzaffarpur

Birendra Kumar S/O Krishna Bhagat Resident of Village- Sakhara, P.S.-
Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Naresh Chandra Verma, Advocate
For the Informant	:	Mr. Pramod Rajpati, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-04-2023 Heard learned counsel for the petitioner, learned
counsel appearing for the Informant and learned APP for the
State.

Petitioner seeks bail, who is in custody since
19.10.2021, in connection with Paroo P.S. Case No. 404 of 2021,
F.I.R. dated 14.10.2021 registered for the offences punishable
under Sections 363, 365, 302, 201 of the Indian Penal Code.

The prosecution case, in brief, is that the accused
petitioner has kidnapped the son of informant and caused his
death.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that there is
no eye witness of the alleged occurrence and on the basis of



suspicion the name of the petitioner has been falsely implicated in the present case. He further submits that on the basis of so-called self confessional statement of the petitioner, the victim boy was recovered and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.10.2021.

Vide order dated 13.03.2023 a report was called for with regard to the stage of the trial. Report dated 27.03.2023 of the learned Trial Court reveals that out of eight chargesheet witnesses, two witnesses have been examined on behalf of the prosecution and the case is pending for the examination of the rest prosecution witnesses.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, there is no chance of early conclusion of the trial and the petitioner is in custody since 19.10.2021.

The learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the informant have vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody and the petitioner having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate-III, Muzaffarpur West, in connection with Paroo P.S. Case No. 404 of 2021, 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 witness, 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 antecedents, 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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