

Arising Out of PS. Case No.-26 Year-2023 Thana- SAMSTIPUR RAIL P.S District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.
Mr. Amit Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2023 1. Heard Mr. Krishna Prasad Singh, learned Senior
counsel for the petitioner and learned Additional Public Prosecutor
for the State.

2. Petitioner, who is in custody since 23.03.2023 seeks bail, in connection with Samastipur Rail P.S. Case No.26/2023, dated 29.01.2023, for the offences punishable under Sections 302, 201, 120(B) of the IPC & Section 27 of the Arms Act.

3. According to prosecution case, the son of the informant was killed by some unknown persons and his dead body was thrown at the railway gumati no. 31, Dalsinghsarai.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed



any offence as alleged in the F.I.R. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation in paragraph 88 of the case diary, the statement of one Neha Kumari was recorded, in which, she has stated that she was in love with the victim/deceased and the petitioner and co-accused have threatened her not to talk with the deceased otherwise the deceased and Neha Kumari will face consequence and there is no eyewitness of the alleged occurrence and merely on the basis of suspicion, the petitioner has falsely been implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 23.03.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material in case diary, which suggest that the petitioner was involved in the present crime in question but fairly submits that there is no eyewitness of the alleged occurrence and except suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

6. 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 Sessions Judge,



Samastipur in connection with Samastipur Rail P.S. Case No. 26/2023, 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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