

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49109 of 2023

Arising Out of PS. Case No.-148 Year-2022 Thana- MEHANDIGANJ District- Patna

Pawan Kumar Son of Anil Prasad Resident of Mohalla Bahari Begampur, Par
Pokhra, Near Sarswati School, P.S. Bypass, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since
28.09.2022 in connection with Sessions Trial No. 454 of 2023
arising out of Mehandiganj P.S. Case No. 148 of 2022, F.I.R.
dated 19.09.2022 for the offences punishable under Sections
302, 201/34 of the Indian Penal Code.

4. According to prosecution case, the informant got an
information from his S.H.O that one dead body was found in
Jalla at Bena which was aged about 25 years with some injuries
on the person of the deceased.



5. 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 not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the information furnished by the spy and thereafter the self confessional statement of the petitioner and the confessional statement of the co-accused persons. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Rohit Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 03.05.2023 passed in Cr. Misc. No. 9269 of 2023, co-accused, namely, Karan Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 17.07.2023 passed in Cr. Misc. No. 17629 of 2023 and co-accused, namely, Sunny Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 04.07.2023 passed in Cr. Misc. No. 36752 of 2023. The petitioner is in custody since 28.09.2022.

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

7. 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 Sessions Judge III, Patna City, Patna in connection with Sessions Trial No. 454 of 2023 arising out of Mehandiganj P.S. Case No. 148 of 2022, 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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