

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51290 of 2023

Arising Out of PS. Case No.-73 Year-2021 Thana- SANDESH District- Bhojpur

Jaiprakash Singh @ Jai Prakash Singh Son Of Ramavdesh Singh @ Ram
Awadhesh Singh Resident Of Village -Jamuaon, P.S- Sandesh, Distt- Bhojpur
At Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar,Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
21.03.2023 in connection with Sandesh P.S. Case No. 73 of
2021, F.I.R.dated 30.03.2021 for the alleged offences under
Sections 302 and 120(B) of the Indian Penal Code.

3. As per allegation in the FIR, informant's wife and
victim daughter both were sleeping at night together on
29.3.2021. On next morning, they found that their daughter
was missing from the house. They started a search and during
search, they get an information that dead body of his daughter
was taken by the police at Ara for postmortem from Dehri
Bridge at Kumhare river. Informant suspected that some



unknown boy allured his daughter and killed her by assaulting her on head and throttling and thereafter thrown the head body near bank of river at Dumare village.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Mukesh Kumar and thereafter the petitioner has also confessed his guilt in the present occurrence and except the confessional statement of co-accused person, namely, Mukesh Kumar and confessional statement of the petitioner, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and said co-accused person, namely, Mukesh Kumar has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 12.07.2023 passed in Cr. Misc. No. 17907 of 2023 and the petitioner is in custody since 21.03.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation in para-20 of the



case diary that the petitioner was regularly touched with the daughter of the informant (deceased) and in para-30 of the case diary the statement of the co-accused person, namely, Mukesh Kumar was recorded in which he has categorically stated that the petitioner and co-accused person, namely, Mukesh Kumar have killed the daughter of the informant by pressing her neck and the postmortem report also supports the contention of the co-accused person.

6. Considering the aforesaid fact, petitioner has clean antecedent and co-accused person, namely, Mukesh Kumar has been granted bail by a Coordinate Bench of this Hon'ble Court, 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 learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Sandesh P.S. Case No. 73 of 2021, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled



by the Court below.

(II) 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.

(III) 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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