

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52227 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- PUPRI District- Sitamarhi

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Raj Kumar Das Son Of Ganesh Das Resident Of Village - Pupri Ward No.12,
P.S. - Pupri, District - Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Adv.
		Mr. Sanjay Kumar, Adv.
For the Opposite Party/s	:	Mr. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-10-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Pupri P.S. Case No. 10 of 2023 dated 06.01.2023, lodged under
Sections 363, 365 of the I.P.C.

4. As per the prosecution case, the F.I.R. has been
lodged against the petitioner in which informant has made
allegation that the petitioner has called the informant's husband
on pretext of work on 01.01.2023 at about 11 pm, thereafter her
husband has not returned. Case diary has been called for in this
case.

5. Learned counsel for the petitioner submits that the occurrence is of 01.01.2023 and the F.I.R. has been lodged on 06.01.2023. The case has been forwarded before the S.D.J.M. Pupri at Sitamarhi on 07.01.2023. Counsel submits that the petitioner is innocent and has committed no offence. Counsel submits that the dead body of the informant's husband was found in a *pokhar* on 16.04.2023.

6. Learned counsel for the State opposes the prayer for bail and submits that in the investigation, the confessional statement of the present petitioner has come in which it has been accepted by him that the petitioner and the deceased were well known to each other and they used to commit crime of theft and selling the narcotics materials. It has been alleged that on the said night of 01.01.2023, they went for committing theft of a battery, thereafter they have returned.

7. Learned counsel for the State further submits that there are seven criminal cases pending against the petitioner and all relating to theft. From the inquest and post-mortem reports, the cause of death is asphyxia leading to CR failure, as result of drowning.

8. It transpires to this Court that this case is a case of circumstantial evidence in which no eye witness is there and

charge-sheet has already been filed. Keeping accused in jail further shall not solve any purpose but his continuous appearance is required.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Pupri at Sitamarhi in connection with Pupri P.S. Case No. 10 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence,

failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

10. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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