

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52020 of 2023

Arising Out of PS. Case No.-491 Year-2022 Thana- AMARPUR District- Banka

KAILASH DAS S/O LATE BACHCHO DAS R/O VILLAGE- CHOUKHAT,
P.S- AMARPUR, DISTT.- BANKA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rounak Kumar Singh (Pankaj), Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 24.11.2022, in connection with Sessions Trial No. 243 of 2023 arising out of Amarpur P.S. Case No. 491 of 2022, F.I.R. dated 05.09.2022 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

3. The F.I.R. of the occurrence of murder is against unknown.

4. 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 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 suspicion. He further submits that in fact the deceased had earlier solemnized marriage with the petitioner and thereafter she left the house of the petitioner and performed the second marriage with one Rajesh Manjhi and it is suspected that the petitioner might killed the wife (deceased). He further submits that there is no material has come during investigation to suggest the involvement of the petitioner in the present occurrence except the self confessional statement of the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.11.2022.

5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, 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 Sessions Judge-I, Banka in connection with Sessions Trial No. 243 of 2023 arising out of Amarpur P.S. Case No. 491 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 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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