

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53030 of 2023

Arising Out of PS. Case No.-1342 Year-2022 Thana- KHAGARIA District- Khagaria

Deo Mani Roy Son Of Late Satyanarayan Yadav Resident Of Village -
Durgapur, Ward No.04, Police Station - Muffasil, District - Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 06.01.2023 in connection with Khagaria P.S. Case No. 1342 of 2022, F.I.R. dated 22.12.2022 for the offences punishable under Sections 302/34 of the Indian Penal Code but the police after investigation submitted the charge sheet against the petitioner under Section 302/34 and 396/120B of the I.P.C.

3. According to prosecution case, in short, is that the informant got information that some unknown criminals have committed murder of her son and daughter-in-law, who were residing at Malgodown Road, Khagaria. Thereafter, the informant went to the place of occurrence and found the dead bodies of her son and daughter-in-law.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused persons namely, Abhishek Kumar, Raj Kumar Prasad @ Takla, Yoganand Kumar @ Golu and as per confessional statement of co-accused persons the petitioner has given the shelter to co-accused persons in his house prior to the commission of the alleged occurrence. He further submits that there is allegation that the petitioner has actively participated in the present crime in question and similarly situated, co-accused, namely, Ved Prakash @ Banti has been granted bail by a co-ordinate Bench of this Court vide order dated 04.07.2023 passed in Cr. Misc. No. 41507 of 2023, another co-accused namely, Abhisek Kumar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 14.07.2023 passed in Cr. Misc. No.41726 of 2023 and another co-accused namely, Raj Kumar Prasad @ Takla has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 31.07.2023 passed in Cr. Misc. No.34990 of 2023. He further submits that the police after investigation submitted the charge sheet against the



petitioner and the petitioner is in judicial custody since 06.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which petitioner is on bail as stated in para-3 of the bail petition.

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 A.C.J.M. 4th Khagaria in connection with Khagaria P.S. Case No. 1342 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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