

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53029 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- RAMNAGAR District- West Champaran

Jitendra Kumar Son Of Lalbabu Sah Resident Of Village - Bhawlehar, Police
Station - Ramnagar, District - West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr.Rajendra Singh,.APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 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 28.05.2023 in connection with Ramnagar P.S. Case No. 33 of 2023, F.I.R. dated 25.01.2023 registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution story, the informant has alleged that his father went outside but failed to return. Next morning, the dead body was recovered, the same was brought home and blood was oozing from his right ear. Accordingly, allegation is that he has been killed and the allegation is against is against the unknown persons.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has



falsely been implicated in the present case, even no one has seen the present occurrence. Petitioner is not named in the FIR. Name of the petitioner has been transpired during investigation on the basis of the re-statement of the informant in which she has alleged that the petitioner alongwith another co-accused person, namely, Irfan Mian had come before her and she stated that they have committed mistake but they have not stated anything that what mistake has been committed by them and except the aforesaid no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and co-accused person, namely, Irfan Mian @ Irfan Miya has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 28.08.2023 passed in Cr. Misc. No.55658 of 2023 and the petitioner is in custody since 28.05.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, 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 S.D.J.M., Bagaha, West Champaran in connection with Ramnagar P.S. Case No. 33 of



2023,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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