

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56585 of 2023

Arising Out of PS. Case No.-436 Year-2022 Thana- VAISHALI District- Vaishali

Saroj Kumar S/O Shri Bhagwan Rai R/O Village- Maidapur, Ps. Turki, Dist. Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 03.04.2023 in connection with Vaishali P.S. Case No. 436 of 2022, F.I.R. dated 03.11.2022 for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, husband of the informant was called by his father for giving him some money. Allegation against the petitioner is that he along with other co-accused persons killed the husband of the informant by using firearms.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner



is own brother of the deceased and the informant is not the eyewitness of the alleged occurrence and informant is '*Bhabhi*' of the petitioner. Further submits that the allegation as alleged in the F.I.R. is false and fabricated and due to previous dispute at the time of the marriage of the deceased, the petitioner has opposed the marriage, so he has falsely been implicated in the present case and except the suspicion no other material has come during investigation to suggests the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Shri Bhagwan Rai, who is father of the deceased, has been granted bail vide order dated 24.07.2023 in Cr. Misc. No.43368 of 2023 and another co-accused namely, Sabir Rai @ Sahvir Ray, who is cousin brother of the petitioner, has been granted bail vide order dated 15.05.2023 in Cr. Misc. No.18186 of 2023. Further submits that police after submitted charge sheet on 17.06.2023 and the petitioner is in custody since 03.04.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State, vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during the investigation to suggests the involvement of the petitioner in



the present occurrence, specifically in paragraph nos.5 & 6 of the case diary.

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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 436 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

Prakash Narayan

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