

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53253 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- BATHNAHA District- Sitamarhi

NAVRATAN KUMAR @ NAVRATNA KUMAR Son of Sri Ram Babu Rai
Resident of Village - Dostpur, P.S.- Bathanaha, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vindhya Keshor Kumar, Sr. Advocate Mr. Madhusudan Rai, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 23-06-2023 Heard Mr. Vindhya Keshor Kumar, learned Senior
counsel for the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since
22.02.2022, in connection with Bathanaha P.S. Case No. 30 of
2022, F.I.R. dated 10.02.2022 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code.

The allegation is of murder against the petitioner by
assaulting the deceased by knife.

Learned Senior counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in
the present case. He further submits that from bare perusal of
the F.I.R. it appears that the petitioner was caught hold by the
villagers at the place of occurrence and it appears from the F.I.R.
itself that the date of occurrence as alleged in the F.I.R. is 8/9-



02.2022 but the present F.I.R. was instituted on 10.02.2022 before filing of the F.I.R. the inquest report was prepared and also postmortem was conducted. He further submits that it has come during investigation in paragraph-32 of the case diary that the petitioner was arrested on 22.02.2022 much after the date of occurrence, so the allegation as alleged in the F.I.R. that the petitioner was arrested at the spot is false and fabricated.

Vide order dated 12.04.2023, a report was called for with regard to the stage of trial. The report of the learned Trial court reveals that charge has been framed against the petitioner on 12.04.2023 but the prosecution has not examined any witness and summons have been issued against the witnesses.

Learned Senior counsel for the petitioner submits that in view of the aforesaid as well as report of the learned trial court, the petitioner may enlarge on bail and the petitioner is in custody since 22.02.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

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



Chief Judicial Magistrate, Sitamarhi in connection with Bathana
P.S. Case No. 30 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)

Ibrar//-

U		T	
---	--	---	--

