

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58325 of 2022

Arising Out of PS. Case No.-147 Year-2022 Thana- MUNGER MUFFASIL District- Munger

SUNIL KUMAR SON OF MADAN MANDAL Resident of Village-
Vijaynagar P.S.- Bariyarpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Singh, Advocate
For the Informant	:	Mr. Ranjeet Kumar Singh, Advocate
For the State	:	Mrs. Nirmala Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 201, 120B/34 of the
Indian Penal Code.

The prosecution case, in brief, is that on 01.05.2022 at
about 10:15 P.M. her husband went away after taking meal with
one Vikash Kumar and ask to keep the door open as he was
returning soon after taking tobacco but he did not return. Her
husband went with Vikash by Bike. After 3-4 days passed, it
was heard through the villagers that dead body of a person is
buried in the sand in the Deyara on the bank of Ganga. After
hearing this on 04.05.2022 she went and recognized that the



dead body of her husband which is smelling due to decomposition.

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 allegation as alleged in the F.I.R. is false and fabricated and except the self confessional statement of the petitioner, no other cogent material has come during investigation to connect the complicity of the petitioner and there is no eye witness of the alleged occurrence and the postmortem report of the deceased does not support the confessional statement of the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 10.05.2022.

Learned counsel appearing on behalf of the informant and learned APP for the State have vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Muffasil P.S. Case No. 147 of 2022, with 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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