

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57863 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- GANGTA District- Munger

SHAILESH KUMAR Son of Amin Mandal @ Amin Kumar Singh Resident
of Village - Khaira, P.S.- Haveli Kharagpur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Gangta P.S.
Case No. 21 of 2022 dated 10.02.2022 registered for the offence
under Sections 341, 323, 302 and 34 of the Indian Penal Code.

The petitioner is alleged to have killed the niece of the
informant by strangulating him.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case only on the basis of
suspicion. He further submits that from bare perusal of the F.I.R.,
it transpires that the informant has suspected that one Sonu
Kumar was last seen with the deceased. It also transpires that
there is no specific allegation against the petitioner rather



general and omnibus allegation has been leveled against the petitioner. He further submits that the informant is not the eye witness to the alleged occurrence even no one claims to be eye witness of the alleged occurrence. He further submits that no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 14.02.2022.

Learned A.P.P. for the State on the other hand vehemently opposed the prayer for bail of the petitioner but fairly submits that except suspicion no cogent material has surfaced against the petitioner during course of investigation.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Chief Judicial Magistrate, Munger in connection with Gangta P.S. Case No. 21 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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