

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55623 of 2022

Arising Out of PS. Case No.-12 Year-2021 Thana- JURAWANPUR District- Vaishali

Parikshan Rai Son Of Late Shobha Rai R/O Village- Shivnagar, P.S.-
Jurawanpur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

: Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2023 Heard Mr. Ajay Kumar Thakur, learned counsel
appearing for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 04.05.2022 in connection with S.Tr.No.497 of 2022 arising out of Jurawanpur P.S. Case No. 12 of 2021, F.I.R. dated 23.02.2021 registered for the offence punishable under Section 302 of IPC and Section 27 of the Arms Act.

The FIR of the occurrence of murder is against unknown.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the 164 Cr.P.C. statement of the



informant. Further submits that the informant is well known to the petitioner and even during the investigation in 161 Cr. P.C. statement of the informant, she does not disclose the name of the petitioner. Further submits that the date of occurrence as alleged in the FIR is 22.02.2021 and the 164 Cr.P.C. statement of the informant was recorded on 15.03.2021 and even his 161 Cr.P.C. statement, the informant has not disclosed the name of the petitioner and after one month of the occurrence an afterthought, she disclosed the name of the petitioner in her statement which was recorded under Section 164 Cr.P.C.in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 04.05.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

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 Additional District and Sessions Judge-XI, Vaishali at Hajipur in connection with S.Tr.No.497 of 2022 arising out of Jurawanpur P.S. Case No. 12 of 2021, 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 cancelled 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.

(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 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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