

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57631 of 2022

Arising Out of PS. Case No.-219 Year-2021 Thana- PIPRAKOTHI District- East Champaran

1. Rajdev Das S/O Mukha Das Resident of village- Jamuniya, P.S.- Pipra, District- East Champaran.
2. Krim Kumar @ Vikram Kumar @ Karimchandra Das S/O Suresh Das Resident of village- Jamuniya, P.S.- Pipra, District- East Champaran.
3. Subhash Das @ Subash Das S/O Raushan Das Resident of village- Jamuniya, P.S.- Pipra, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail in a case registered for the
offences punishable under Sections 302, 120/34 of the Indian
Penal Code.

According to prosecution case, due to land dispute, all
the accused persons including the petitioners with criminal
conspiracy to each other, have committed murder of the son of



the informant after assaulting and throttling him.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioners and there is specific allegation against the co-accused person, namely, Shyam Kumar. He further submits that the informant is not the eye witness of the alleged occurrence and only on the basis of the suspicion, the name of the petitioners have falsely been implicated in this case. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, namely, Vicky Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 26.09.2022 passed in Cr. Misc. No. 17051 of 2022 and another co-accused person, namely, Nagina Das has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.05.2022 passed in Cr. Misc. No. 6689 of 2022. The petitioner nos. 1 and 2 are in custody since 21.06.2022 and petitioner no 3 is in custody since 29.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.



Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Piprakothi P.S. Case No. 219 of 2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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