

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59210 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- JADIA District- Supaul

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Bablu Kumar S/O Sri Bijendra Sah R/O Village- Lalpur, Ward No. 1, P.S-
Singheshwar, Distt.- Madhepura (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Akash Anand, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-11-2023 Heard Mr. Krishna Prasad Singh, learned Senior
Counsel for the petitioner and Ms. Anita Kumari, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
08.05.2022 in connection with Jadia P.S. Case No. 92 of 2022,
F.I.R. dated 17.04.2022 for the offences punishable under
Sections 302, 201, 120(B) and 34 of the Indian Penal Code.

3. Earlier the bail petition of the petitioner was
rejected vide order dated 27.02.2023 passed in Cr. Misc.
No.54853 of 2022.

4. According to the prosecution case, a dead body of a



male age about 25 years was found and accordingly the police prepared inquest report and registered an F.I.R.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence and the petitioner and merely on the basis of the CDR of another accused persons and the confessional statement the petitioner has falsely implicated in the present case. He further submits that similarly situated, co-accused, namely, Rahul Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 10.04.2023 passed in Cr. Misc. No. 57092 of 2022.

6. Vide order dated 15.09.2023 a report was called for with regard to stage of the trial. Report dated 21.09.2023 of the learned trial court reveals that out of seven charge sheet witnesses, one witness has already been examined.

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

8. The learned counsel for the petitioner submits that in view of the report of the learned trial court that there is no chance of early conclusion of the trial in near future and the



petitioner is in custody since 08.05.2022.

9. Considering the aforesaid facts and circumstances and the report of the learned trial court, 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 the learned Additional District and Sessions Judge, IV, Supaul in connection with Jadia P.S. Case No. 92 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

Prakash Narayan

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