

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60276 of 2022

Arising Out of PS. Case No.-522 Year-2021 Thana- MADHEPURA District- Madhepura

Badal Kumar @ Badal @ Rupesh Son of Milan @ Miltan Yadav @ Miltan Kumar Resident of Village- Jaipalpatti, Ward No. 26 (19), P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Viveka Nand Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Madhepura P.S. Case No. 522 of 2021, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on the written report of the informant alleging therein that on 02.07.2021 at about 02:30 PM, the son of the informant was shot dead by hatching a conspiracy with the accused persons and the petitioner. It is



further alleged that the son of the informant was residing with his cousin in the house of one Dr. Sanjeev Kumar as tenant and had been pursuing his study. The information with regard to the alleged occurrence has been given on his mobile by one Sunil Kumar, who happens to be brother-in-law of the informant.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that none has seen the commission of alleged murder of the son of the informant and only suspicion has been raised against two named persons and other unknown persons, however, the reason behind the suspicion has not been disclosed. He next submits that the occurrence took place on 02.07.2021 at about 02:30 P.M., however, FIR has been instituted after a delay of two days on 04.07.2021 and no explanation for delay has been given, though in between the period the inquest report and the postmortem has been done but neither the fardbayan of the informant was recorded nor he has filed any petition. He lastly submits that from the impugned order it also appears that no materials have come during the course of the investigation suggesting the complicity of the petitioner in the present crime.

On the other hand learned APP for the State vehemently opposes the bail application and submits that



witnesses have supported the prosecution case.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation based only on suspicion and neither there is any eyewitness to the occurrence nor even during the course of investigation any material has come against the petitioner and moreover the petitioner is in custody for more than one year, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Madhepura P.S. Case No. 522 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

