

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62243 of 2022

Arising Out of PS. Case No.-418 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Sanjeev Kumar S/o Baidhanath Prasad Jayasaval @ Bainath Prasad @
Baidhnath Prasad R/o Village- Gandhi Nagar Ramna, P.S.- Town, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 62904 of 2022

Arising Out of PS. Case No.-418 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Munchun Kumar Son Of Nand Kishore Prasad R/O Mohallah- Gandhi Nagar,
Ramna, P.S.- Motihari Town, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 62243 of 2022)

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

For the State : Mr. Bhanu Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 62904 of 2022)

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

For the State : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in a case registered for the
offences punishable under Sections 302, 34 of the Indian Penal
Code and Section 27 of the Arms Act.



The prosecution case, in brief, is that in the night of 15.06.2022 accused petitioner namely Munchun Kumar along with other co-accused persons came to the house of the informant and called her husband Amit Kumar Jaiswal with cold drink for a party and her husband purchased the cold drink from the grocery shop of Babanji and went in the field of S.N.S. College and did not return in the night. On the next day when his husband did not return then he was searched and the informant was informed by the neighbours that Amit Kumar Jaiswal has been killed by stabbing as well as by firearm and his dead body has been thrown near the boundary of the said College. On this information the informant went there and saw the dead body of her husband and he had a stab injury in chest and also the firearm injury and the blood was scattered in huge quantity at the place of occurrence. It is further alleged that the 'chappal' of the petitioner, a liquor bottle, glass and empty cartridge was found at the place of occurrence.

Learned counsel for the petitioners submits that the petitioner namely Sanjeev Kumar carries two more cases other than the present one whereas petitioner namely Munchun Kumar has clean antecedent and they have been falsely implicated in the present case only on the basis of suspicion. Learned counsel for the petitioners further submits that in fact the father of the deceased and the father of the petitioner are own brothers and



they are living separately since long. Earlier the mother of the petitioner namely Sanjeev Kumar has lodged a case against the parents of the deceased and it is not possible that the petitioner had called the deceased and the petitioner namely Munchun Kumar is a co-villager. He further submits that there is no eye witness to the alleged occurrence and except suspicion, no other cogent material has come during investigation against the petitioners. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioner namely Sanjeev Kumar is in custody since 19.06.2022 and the petitioner namely Munchun Kumar is in custody since 20.06.2022.

Learned APP for the State, on the basis of the material available on record as well as in the case diary, vehemently opposed the prayer for bail of the petitioners but fairly submits that except suspicion, no other cogent material has come during investigation against the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Town P.S. Case No. 418 of 2022, with 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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