

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65215 of 2022

Arising Out of PS. Case No.-362 Year-2020 Thana- FALKA District- Katihar

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FANTUSH KUMAR MUNI @ FANTUSH KUMAR S/o Naresh Muni R/o
Village- Gopalpatti, P.S.- Falka, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
24.03.2022, in connection with S.Tr. No. 377/2022, arising out of
Falka P.S. Case No. 362/2020, corresponding to G.R.
No.4418/2020, F.I.R. dated 11.11.2020, for the offences
punishable under Sections 302, 201 and 34 of the Indian Penal
Code.

According to prosecution case, informant's son went
outside the house after receiving a phone call and on the next day,
one Lalan Yadav informed the informant that the dead body of his
son is hanging from a Gamhar tree. Informant believes that due to
quarrel at the time of bursting crackers, his son was killed.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that during investigation, not a single witness disclosed about the complicity of the petitioner in the present occurrence and the brother of the petitioner, namely, Shyam Kumar @ Shyam Kumar Muni has been granted bail by a co-ordinate Bench of this Court vide order dated 23.09.2022 passed in Cr. Misc. No. 34220 of 2022 and other co-accused, namely, Lalan Yadav has been granted bail vide order dated 01.11.2022 passed in Cr. Misc. No.26352 of 2022 and the case of the petitioner is on similar footing. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 24.03.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 2nd Additional Sessions Judge, Katihar, in connection with S.Tr. No. 377/2022, arising out of Falka P.S. Case No. 362/2020, corresponding to G.R. No.4418/2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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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