

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65541 of 2022

Arising Out of PS. Case No.-508 Year-2021 Thana- JAGDISHPUR District- Bhojpur

ABHISHEK KUMAR S/o Kanhaiya Lal R/o Village- Ganpat Tola, P.S.-
Jagdishpur, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Nath Sinha, Adv.

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 363, 365 and 34 of the Indian Penal Code.
Later on Section 302 of the Indian Penal Code has been added.

The informant alleges that his brother might have
killed by some unknown persons.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner has not been named in the F.I.R. but on the basis of
disclosure made by the co-accused, Aniket Kumar @ Suraj Kumar
on whose disclosure dead body of the brother of the informant
has been traced out. He further submits that the co-accused,



Aniket Kumar @ Suraj Kumar has confessed that he has killed the brother of the informant. Save and except the confession of the co-accused, no cogent material has surfaced against the petitioner during course of investigation. Moreover, the similarly situated co-accused, namely, Abhishek Kumar, has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.08.2022 passed in Cr. Misc. No. 28700 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner who is rotting in judicial custody since 24.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Jagdishpur P.S. Case No. 508 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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