

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64701 of 2022**

Arising Out of PS. Case No.-753 Year-2021 Thana- FORBESGANJ District- Araria

PAPPU Son of Taiyab R/v- Dhama (Railway Gumti), Ward No.- 09, P.S.-
Araria (R.S.), District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 25-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Forbisganj (Simraha) P.S. Case No. 753 of 2021 dated
17.09.2021 corresponding to S.T. No. 216 of 2022 registered
for the offence under Sections 363 and 366(A) of the Indian
Penal Code. Later on charge-sheet has been submitted under
Sections 366(A), 302 and 201 of the Indian Penal Code.

Grand daughter of the informant is alleged to have
been kidnapped by the petitioner and further she has been
killed by the petitioner.

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 allegation as alleged in the F.I.R. is false and fabricated as no such occurrence has taken place. He further submits that in fact, the petitioner was having love affairs with the deceased and he has not killed the deceased rather she died due to snake bite during course of treatment. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 13.12.2021.

Learned A.P.P. for the State on the other hand on the basis of material available on record and the case diary opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he has kidnapped the victim but he fairly submits that the victim died to snake bite on 13.10.2021.

Considering the facts and circumstances of the case and the period of custody, 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 District and Sessions Judge, Araria in connection with Forbisganj (Simraha) P.S. Case No. 753 of 2021 corresponding to S.T. No. 216 of 2022 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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