

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63161 of 2022**

Arising Out of PS. Case No.-211 Year-2021 Thana- FORBESGANJ District- Araria

PRABHASH KUMAR @ PRABHASH KUMAR JHA SON OF SHRI RAM
JHA R/O VILLAGE- PALASMANI, P.S.- SONAMANI GODOWN,
DISTRICT- ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Soni Srivastava, Adv.
	:	Mrs. Rachana Saraswati, Adv.
	:	Mr. Ravi Bhagdwaj, Adv.
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

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

2 25-02-2023 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 306 and 34 of the Indian Penal
Code.

According to the prosecution, the son of the
informant has committed suicide on account of threat and
torture made by the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case on the basis of so called suicide note
of the deceased. He further submits that as per the suicide



note, the son of the informant committed suicide on account of physical harassment and mental torture made by the petitioner and the co-accused, Vijay Kumar Mishra. He further submits that except so called suicide note, no cogent material has surfaced in this case against the petitioner. Not only that the said suicide note has not been sent to the handwriting expert to ascertain that as to who has written the suicide note. He further submits that the co-accused, namely, Vijay Kumar Mishra has already been granted bail by a co-ordinate Bench of this Court vide order dated 30.08.2022 passed in Cr. Misc. No. 28983 of 2022. 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 14.09.2022.

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 Forbesganj P.S. Case No. 211 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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