

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64437 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- GWALPARA District- Madhepura

DILKHUSH KUMAR Son of Amrendra Yadav Resident of Village - Parsi,
P.S.- Gwalpara, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 23-06-2023 A supplementary affidavit, carrying out necessary correction in the main application, has been filed on behalf of the petitioner, which forms part of this application.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Gwalpara P.S. Case No. 19 of 2022 dated 31.01.2022 registered for the offence under Sections 394, 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The son of the informant is shot dead by the unknown miscreants while committing loot with the informant and his son.

Learned counsel appearing for the petitioner submits that the petitioner 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., however, his name transpired in this case on the basis of confessional statement of the co-accused, Bibhishan Yadav. Nothing incriminating has been recovered from the conscious possession of the petitioner rather the shram card of the deceased has been recovered from the co-accused, Bibhishan Yadav. He further submits that the prosecution has not conducted the T.I.P. till date. Moreover, the similarly situated co-accused, namely, Ashish Kumar Yadav, has already been granted bail by this Court vide order dated 24.03.2023 passed in Cr. Misc. No. 57681 of 2022. The petitioner is rotting in judicial custody since 20.05.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

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 Additional District and Sessions Judge-VIII, Madhepura in connection with S.T. No. 179 of 2022 arising out of Gwalpara P.S. Case No. 19 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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