

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65233 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- GAMAHARIYA District- Madhepura

Vibhash Kumar @ Bibhash Kumar S/O Sudish Kumar @ Sudist Yadav, R/O
Village- Jogwani, P.S- Gamhariya, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 18.07.2022, in connection with Gamhariya P.S. Case No. 01 of 2022, F.I.R. dated 04.01.2022 registered for the offences punishable under Section 302 of the Indian Penal Code, Section 27 of the Arms Act but the police after investigation submitted chargesheet under Section 302/120B of the Indian Penal Code and Section 27 of the Arms Act.

The F.I.R. of the occurrence of murder is against unknown.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named



in the F.I.R. and the name of the petitioner has been transpired during course of investigation on the basis of confessional statement of co-accused Raushan Kumar @ Hitlar. He further submits that in fact the informant is not an eye witness of the alleged occurrence and except the confessional statement of co-accused person, no other cogent has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-II, Madhepura, in connection with Gamhariya P.S. Case No. 01 of 2022, 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 witness, 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 antecedents, 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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