

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67651 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

BITTU KUMAR @ SHARVESH KUMAR SON OF SRI ARJUN SHARMA
R/O VILL.- BIROPUR, P.S.- SADAR HAJIPUR, DISTT.- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Hajipur Sadar P.S. Case No. 01 of 2022 dated 01.01.2022 registered for the offence under Sections 302 and 120(B) of the Indian Penal Code.

The petitioner along with other are alleged to have killed the son of the informant after hatching a conspiracy.

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 on the basis of suspicion. He further submits that it appears from the F.I.R. that the petitioner and his brother co-accused, Vishal Kumar have killed the son of the informant. He further submits that there is no eye



witness to the alleged occurrence and merely on the basis of suspicion, the petitioner has been made accused in this case. He further submits that according to the doctor, who conducted the postmortem report, no external or internal injury on the person of the deceased has been found. It is further submitted that the doctor could not ascertain the cause of death at the first instance of postmortem, therefore, viscera report was sent for forensic laboratory in which also no poison could be detected. Save and except suspicion, no cogent material has surfaced in this case against the petitioner suggesting his involvement in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Vishal Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 07.11.2022 passed in Cr. Misc. No. 19160 of 2022 and the case of this petitioner stands on similar footing. The petitioner is rotting in judicial custody since 01.06.2022.

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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar



P.S. Case No. 01 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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