

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64311 of 2022**

Arising Out of PS. Case No.-169 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

=====

HEERA SINGH S/o Ram Shankar Singh R/v- Mahthi, P.S.- Bibhutipur,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Adv.
For the Opposite Party/s : Mr. Anant Kumar 1, APP

=====

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

3 24-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
04.06.2022 in connection with Samastipur Muffasil P.S. Case
No.169/2022, F.I.R. dated 13.04.2022, for the offences
punishable under Sections 302 and 34 of the Indian Penal Code.

According to prosecution case, the petitioner along
with other co-accused persons are alleged to have assaulted the
husband of the informant by means of iron rod due to which the
husband of the informant became unconscious then the co-
accused namely Kanchan Kumari gave several blows by iron
rod on the head of informant's husband. Thereafter the injured
was taken to hospital but during treatment he died.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. No such occurrence has taken place. He further submits that the informant is not an eyewitness of the alleged occurrence and only on the basis of suspicion, the name of the petitioner has been implicated in the present case. He further submits that the postmortem report of the deceased does not support the allegation as alleged in the F.I.R. and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 04.06.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned A.C.J.M.- II, Samastipur, in connection with Samastipur Muffasil P.S. Case No. 169/2022, 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 witnesses, 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 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)

amit/-

U		T	
---	--	---	--

