

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64853 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- BHAWANIPUR District- Purnia

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SURAJ KUMAR Son of Bateshwar Singh Resident of Village- Bhikhna Basa,
Ward No.-06, P.S.- Alam Nagar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh

For the Opposite Party/s : Mr.Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
13.08.2022 in connection with Bhawanipur (Balua O.P.) P.S.
Case No. 165 of 2022, F.I.R. dated 08.07.2022 for the offences
punishable under Sections 302, 201, 34 of the Indian Penal
Code.

According to prosecution case, in brief is that the
informant's sister was married to Sunil Sahni in the year 2007
and was blessed with two sons and one daughter. Sunil Sahni
died 9-10 years ago and thereafter the informant's sister resided
in her matrimonial home with her children. After some days the
father-in-law, mother-in-law and brother-in-law started beating
the informant's sister on domestic issues and two months ago all



three assaulted the informant's sister very badly so the informant brought his sister home but the in-laws forcefully kept one child with them. The informant's sister went to meet that child on 06-07.2022 at 8 P.M. The informant's came to know that a body of a female is laying in Tulsi Vishanpur Canal and on seeing it the informant recognised his sister, whose face was damaged due to cuts by sharp weapon. The informant is apprehensive that his sister's mother-in-law, father-in-law and brother-in-law killed his sister with sharp weapon by cutting her face.

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 and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that bare perusal of the F.I.R. that there is specific allegation against mother-in-law, father-in-law and brother-in-law of the deceased and they are named in the F.I.R. He further submits that petitioner is not named in the F.I.R. and only on the basis of confessional statement of the co-accused persons and self confessional statement of the petitioner. He further submits that during investigation on the basis of C.D.R.



location that the petitioner was present at the place of occurrence. Learned counsel for the petitioner further submits that on the same date the marriage ceremony of the sister-in-law of sister of the petitioner was on the same village so that the C.D.R. location was found at the place of occurrence and except the aforesaid no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 13.08.2022.

The learned Additional Public Prosecutor for the State 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 S.D.J.M., Purnea in connection with B.P. No. 1020/2022/CIS No. 1020/2022, arising out of Bhawanipur (Balua O.P.) P.S. Case No. 165 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 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)

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