

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67221 of 2022**

Arising Out of PS. Case No.-143 Year-2022 Thana- ASHOK PAPER MILL District-
Darbhanga

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Prince Kumar @ Rajesh Kumar Prince Son of Sharwan Sah @ Shravan Sah
Adopted Son of Wakil Sah, R/V- Rambhadrapur, P.S- A.P.M. (Pator O.P)
Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Setu Prateek, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP
For the Informant	:	Mr. Kaushalesh Choudhary, Advocate

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

3 11-04-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
15.08.2022 in connection with A.P.M.(Pator O.P.) P.S. Case No.
143 of 2022, F.I.R. dated 10.08.2022 for the offences
punishable under Sections 302 and 120B of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, three miscreants on a



motorcycle are said to have committed murder of Vishal Kumar son of the informant by fire arm while he was returning to his home.

Learned counsel for the petitioner submits that petitioner has falsely been 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 investigation on the basis of the application filed by the informant before the S.H.O. He further submits that it has come during investigation that Sonu Singh and Bittu Singh fired upon the victim and petitioner was one of the associate. He further submits that except the confessional statement of the petitioner, 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. The petitioner is in custody since 15.08.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor on the basis of material available on record and the case diary have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation on the basis of



C.D. report that the petitioner was involved in the present occurrence and the petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with A.P.M(Pator O.P.) P.S. Case No. 143 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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