

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69585 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- TIKAPATTI District- Purnia

SHATRUGHAN KUMAR @ SHATRUGHAN YADAV Son of Late
Ramswarup Yadav Resident of Village- Tengarya Tola, Ward No.-9, P.S.-
Kursela, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75221 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- TIKAPATTI District- Purnia

MANISH KUMAR JHA S/O Nand Kishor Jha R/O Village- Tingharia, P.S.-
Kursela, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69585 of 2022)

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 75221 of 2022)

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
25.08.2022 and 05.08.2022 respectively, in connection with
Tikapatti P.S. Case No.58/2022 registered for the offences
punishable under Sections 147, 149, 323, 365, 302 of the I.P.C.



According to prosecution case, all the F.I.R. named accused persons are said to have committed murder of the son of the informant.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the petitioner no.1, namely, Shatrughan Kumar @ Shatrughan Yadav is not named in the F.I.R. and his name has been transpired during investigation on the basis of re-statement of the informant. He further submits that the informant is not an eyewitness of the alleged occurrence and only on the basis of suspicion, the name of these petitioners have falsely been implicated in the present case. He further submits that except suspicion and self confessional statement of the petitioners, no other cogent material has come during investigation to suggests the involvement of the petitioners in the present occurrence and the police after investigation submitted the charge sheet against the petitioners. The petitioner no.1 is in custody since 25.08.2022 and the petitioner no.2 is in custody since 05.08.2022 respectively.

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



petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.1st Class, Purnea in connection with Tikapatti P.S. Case No.58/2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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