

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68669 of 2022**

Arising Out of PS. Case No.-223 Year-2021 Thana- BIDUPUR District- Vaishali

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UTTAM KUMAR S/o Dinesh Bhagat R/o Village- Mustafapur, P.S.- Bidupur,  
Distt- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Niranjan Parihar, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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

5      19-06-2023                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bidupur  
P.S. Case No. 223 of 2021 registered for the offence under  
Sections 302/34 of the Indian Penal Code.

The son of the informant is alleged to have been  
brutally murdered and his dead body was found in the shop of  
the petitioner.

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. 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. He further submits  
that there is no eye witness to the alleged occurrence. He further



submits that as a matter of fact, the son of the informant died due to electrocution while he was committing theft in the shop of the petitioner and the cause of death is supported by the postmortem report. He further submits that the police after investigation has submitted charge-sheet in this case under Section 304 of the Indian Penal Code. Moreover, the co-accused, namely, Dinesh Bhagat, has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.03.2022 passed in Cr. Misc. No. 43526 of 2021. The petitioner is rotting in judicial custody since 17.08.2022.

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 Bidupur P.S. Case No. 223 of 2021 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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