

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69206 of 2022

Arising Out of PS. Case No.-167 Year-2022 Thana- BYPASS District- Patna

SAURABH KUMAR PANDEY S/o Sri Aditya Narayan Pandey R/o Village-
Asahani, P.S.- Rasulpur, Distt- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 73503 of 2022

Arising Out of PS. Case No.-167 Year-2022 Thana- BYPASS District- Patna

KUNAL TIWARY @ PAWAN TIWARI @ BABA S/o Ram Dayal Tiwary
R/v- Asahani (South Tola), P.S.- Rasulpur, District- Saran at Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69206 of 2022)

For the Petitioner/s : Mr. Gyan Prakash, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

For the Informant : Mr. Manoj Kumar Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 73503 of 2022)

For the Petitioner/s : Mr. Ranvijay Singh

For the Opposite Party/s : Mr. Mukesh Kumar Singh

For the Informant : Mr. Manoj Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-04-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioners seek bail, who are in custody since
04.09.2022 in connection with By Pass P.S. Case No. 167 of
2022, F.I.R. dated 27.04.2022 for the offences punishable under



Sections 302/34 of the Indian Penal Code.

According to prosecution case, one Ramji Kumar who is the informant stating therein that there was a quarrel in between informant son Yashraj and owner of the H.M. Hospital, Shitla Mandir Road namely Vishal Kumar one or one and half month before. On 26.04.2022 his son was on duty in H.M. Fort Hospital in night shift. On 27.04.2022 at 12.00 P.M. he dialed on his son's mobile from his mobile then some person picked up the mobile and informed him that his son had died due to shock of electric current and they had accompanied Yashraj in N.M.C.H., Patna. Therafter, the informant and his family members went to the N.M.C.H. at 1.30 P.M., and they saw no one was present nearby the dead body of his son all had fled away. It is further alleged that his son was killed by owner of H.M. Fort Hospital namely, Vishal Bhushan Singh with the help of his associates.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that in fact the petitioners are not named in the F.I.R. and the name of these petitioners have been transpired during investigation and on the basis of confessional statement



of the co-accused persons and self confessional statement of the petitioners. He further submits that except the aforesaid no other cogent material has come during investigation to suggest the involvement of these petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 04.09.2022.

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners but fairly submits that except the suspicion no other cogent material has come during investigation to suggest the involvement of these petitioners in the present occurrence.

Considering the aforesaid facts and circumstances, 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 Additional Chief Judicial Magistrate-VI, Patna City, Patna in connection with By Pass P.S. Case No. 167 of 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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