

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70603 of 2022

Arising Out of PS. Case No.-308 Year-2021 Thana- ARA NAGAR District- Bhojpur

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Jitu Kumar @ Jitu Thathera @ Rohit Raj @ Rohit Kumar Son Of Late Baiju Prasad R/O Aaryan Devi Mandir, Ward No.7, P.S.- Ara Town, District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar,Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-07-2023 Heard learned counsel appearing for the petitioner and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 02.03.2022 in connection with Ara Town P.S. Case No. 308 of 2021, F.I.R. dated 23.04.2021 registered for the offence punishable under Sections 302,201 of IPC.

3. The FIR of the occurrence of murder is against unknown.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person,



namely, Anshu Kumar which was recorded in Ara (Town)P.S.Case No.314 of 2021. Learned counsel for the petitioner submits that the petitioner has no concern at all with the co-accused person and except the confessional statement of the co-accused person, no other material has during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.03.2022.

5. Learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

6. Considering the aforesaid facts, 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 learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 308 of 2021,with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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