

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7805 of 2023

Arising Out of PS. Case No.-373 Year-2022 Thana- FATUA District- Patna

JITENDRA KUMAR Son of Sri Nageshwar Prasad Resident of Village-
Mauzipur, P.S.- Nadi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Satish Kumar, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-07-2023 Heard Mr. Krishna Prasad Singh, learned senior
counsel for the petitioner assisted by Mr. Satish Kumar,
Advocate and learned Additional Public Prosecutor for the
State.

Petitioner seeks bail, who is in custody since
26.05.2022 in connection with Fatuha P.S. Case No. 373 of
2022, F.I.R. dated 23.05.2022 for the offences punishable under
Sections 302, 201/34 of the Indian Penal Code.

The allegation against the petitioner is to commit
murder of the grandson of informant along with other named co-
accused persons by using sharp edged weapon due to previous
enmity arises out of tenancy dispute.

Learned senior counsel for the petitioner submits that
petitioner has clean antecedent and he 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 on the basis of confessional statement of co-accused namely, Dharmendra Kumar. He further submits that except the confessional statement of co-accused Dharmendra Kumar, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Bittu Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 09.05.2023 passed in Cr. Misc. No. 6216 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 26.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned A.C.J.M.-I, Patna City in connection with Fatuha P.S. Case No. 373 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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