

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75409 of 2022

Arising Out of PS. Case No.-137 Year-2022 Thana- CHANDRADIP District- Jamui

Neeru Kewat @ Niru Kewat Son Of Late Ram Khelawan Kewat R/O Village-
Baladih, P.S.- Sikandra, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 08-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 23.08.2022 in connection with Chandradip P.S. Case No. 137 of 2022, F.I.R. dated 21.08.2022 registered for the offences punishable under Sections 302, 201, 120B/34 of the Indian Penal Code.

3. The F.I.R. of the occurrence of murder is against unknown.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present 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 as alleged in the F.I.R. He further



submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of the disclosure made by spy. He further submits that how it can possible that spy disclosed that petitioner along with two other persons and the victim had gone towards the place of occurrence in a motorcycle but how it can possible in one motorcycle four persons were riding the same in a motorcycle. He further submits that as per as recovery of towel is concerned, it has come during investigation that towel “*gamcha*” does not belong to the petitioner and the same belonged to the father of the deceased and the petitioner is brother-in-law of the father of the deceased so he has been implicated in the present false and fabricated case. He further submits that no one has seen the present occurrence and merely on the basis of suspicion, the petitioner has been implicated in the present case.

5. Vide order dated 27.06.2023, a report was called for with regard to the stage of the trial. Report dated 12.07.2023 of the learned Trial court reveals that charge has been framed against the accused persons including the petitioner but out of six chargesheeted witnesses, prosecution has not examined any witness as yet.

6. Learned counsel for the petitioner submits that in



view of the report of the learned Trial court, the trial is not concluded in near future and the petitioner is in custody since 23.08.2022.

7. Considering the aforesaid facts and circumstances of the case and in view of the report of the learned Trial court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Jamui in connection with Chandradip P.S. Case No. 137 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 witness, 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 antecedents, 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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