

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1186 of 2023

Arising Out of PS. Case No.-25 Year-2022 Thana- DIDARGANJ District- Patna

AKASH KUMAR Son of Shri Ram Kumar Singh @ Ram Kumar Yadav
Resident of Village - Khanpur, P.S.- Didarganj, District - Patna ... Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
10.02.2022 in connection with S.Tr.No.721 of 2022 arising out
of Didarganj P.S. Case No. 25 of 2022, F.I.R. dated 08.02.2022
registered for the offence punishable under Sections
302,201,120(B)/34 of IPC.

The prosecution case, in short, is that the informant
alleged that his younger brother, namely, Suraj Kumar has been
killed by Kajal Devi, Akash Kumar, his friend Ajit Kumar and
3-4 other unknown persons by conspiring with each other after
throwing the dead body in Fatehpur orchard to conceal
evidence.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case. Further submits that the



informant is not the eye witness of the alleged occurrence and the allegation as alleged in the FIR is false and fabricated and petitioner has not committed any offence as alleged in the FIR and only on the basis of the suspicion, the name of the petitioner has been transpired in the present case and the police, after investigation, submitted chargesheet against the petitioner and the charge has also been framed against the petitioner and the petitioner is in custody since 10.02.2022.

Learned APP for the State, 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 it has come during investigation on the basis of the confessional statement of the co-accused person, namely, Kajal Devi as well as the self-confessional statement of the petitioner that they have killed the husband of Kajal Devi, the deceased is Mama of the present petitioner but fairly submits that on the basis of the statement of co-accused, Ajit Kumar, the '*Khanjar*' has been recovered.

Considering the aforesaid fact, 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 1st Additional District and



Sessions Judge, Patna City, Patna in connection with S.Tr.No.721 of 2022 arising out of Didarganj P.S. Case No. 25 of 2022,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 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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