

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.745 of 2023

Arising Out of PS. Case No.-113 Year-2022 Thana- PANDARAK District- Patna

ANUJ KUMAR Son of Naresh Yadav R/v- Bampur, P.S.- Pandarak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 15.08.2022 in connection with Pandarak P.S. Case No. 113 of 2022, F.I.R. dated 05.08.2022 for the offences punishable under Sections 341, 302, 379, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, in brief, is that on 05.08.2022 the informant submitted a written report and alleging therein that on 03.08.2022 his father namely Mahendra Yadav went to plough his field by his Tractor and he made a call to his father on his mobile but he could not receive, thereafter he tried to search him but could not trace. On the next day in the morning at about 5.00 A.M. when he reached at Gowasa



Khandha Dargha then he found dead body of his father and also found injury on his eye and chest. Thereafter, vicinity assembled there and information was given to police. It is further alleged that he came to know one Manoj Kumar his co-villager along with his associates has intercepted his father and when his father tried to flee away then they shot his father and also took away the Tractor. It is further alleged that prior to this occurrence one month ago he also threatened to dire consequence to his father.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion and the confessional statement of the co-accused namely, Pintu Kumar. He further submits that the date of occurrence as alleged in the F.I.R. is on 03.08.2022 but the present F.I.R. was instituted on 05.08.2023 after delay of two days without any explanation of delay. He further submits that nothing has been recovered from the conscious possession of the petitioner and except the confessional statement of the co-accused namely, Pintu Kumar no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the petitioner has no concern at all with the other co-accused person. He further



submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 15.08.2022.

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

Considering the aforesaid facts and circumstances, petitioner has clean antecedent and name of the petitioner has been transpired on the basis of confessional statement of the co-accused namely, Pintu Kumar, nothing has been recovered from the conscious possession of the petitioner, 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 Additional Chief Judicial Magistrate-I, Barh, Patna in connection with Pandarak P.S. Case No. 113 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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