

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.683 of 2023

Arising Out of PS. Case No.-353 Year-2022 Thana- RUPASPUR District- Patna

ATUL KUMAR Son of Bharat Singh Resident of Gola, P.S.- Ara, District -
Bhojpur. At present Janta Road, Old Jakkanpur, P.S.- Jakkanpur, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
26.06.2022 in connection with S.Tr.No.1371 of 2022 arising
out of Rupaspur P.S. Case No. 353 of 2022, F.I.R. dated
15.06.2022 registered for the offence punishable under
Sections 302,201,120B of IPC.

Prosecution story is that an unknown dead body was
in mud or water was recovered with the help of local person
then the informant police official informed his senior officer
and received direction and prepare the inquest report and also
try to identify the body with local person and social media.
Thereafter, the informant further stated that on perusal of



occurrence place, it seems that it was a planned murder by unknown accused to hide evidence and thrown the body in Sebari Nagar Nahar.

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 petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the information given by the Spy and the self-confessional statement of the petitioner. Further submits that it has come during investigation that the co-accused, namely, Perwez Alam @ Md. Perwez and Rozi have committed murder of the deceased and the petitioner has no role at all in the present occurrence and the petitioner is being an LIC Agent has gone to the house of the deceased so on the basis of the suspicion, the petitioner has falsely been implicated in the present case. Further submits that the similarly situated co-accused, namely, Perwez Alam @ Md. Perwez has been granted bail by this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 6898 of 2023 and the petitioner is in custody since 26.06.2022.

Learned APP for the State has opposed the prayer



for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Addl. District Judge-1st, Danapur, Patna in connection with S.Tr.No.1371 of 2022 arising out of Rupaspur P.S. Case No. 353 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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