

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4110 of 2024

Arising Out of PS. Case No.-2 Year-2022 Thana- KORHA District- Katihar

Priyanshu Kumar @ Priyanshu Rajput S/O Kamal Kishore Singh R/O-
Durgapur, Babutola, Ps. Barari, Distt. Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Sanjeev Kumar Singh, Adv Ms. Neha Rani, Advocate Ms. Diksha Kumari, Advocate
For the Opposite Party/s	:	Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-03-2024 Heard Mr. N.K. Agrawal, learned senior counsel for
the petitioner and Mr. Jai Narain Thakur, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
20.05.2022 in connection with Korha P.S. Case No. 02 of 2022,
F.I.R. dated 02.07.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

3. Earlier the bail application of the petitioner has
been rejected by this Hon'ble Court vide order dated 27.03.2023
passed in Cr. Misc. No. 46247 of 2022.

4. Learned 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 during investigation on the basis of the confessional statement of the co-accused, namely, Umesh Kumar @ Ankush Raja @ Bholu. He further submits that except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the co-accused, namely, Subodh Kumar has been granted bail by this Hon'ble Court vide order dated 23.02.2024 passed in Cr. Misc. No. 82906 of 2023.

5. Vide order dated 19.01.2024 a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 25.01.2024 reveals that no witness has been examined in this case as of yet out of seven charge sheet witnesses.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the petitioner is in custody since 20.05.2022 and the co-accused person has been granted by this Hon'ble Court.

7. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances that the co-accused person has been granted bail 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-V, Katihar in connection with Korha P.S. Case No. 02 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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