

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6102 of 2024

Arising Out of PS. Case No.-304 Year-2022 Thana- KISHANGANJ District- Kishanganj

Suraj Kumar Son Of Upendra Paswan Resident Of Mumtaz Mohalla, Ward
No.13, P.S. - Naugachiya, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ved Prakash Chandan, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-02-2024 Heard Mr. Ved Prakash Chandan, learned counsel for

the petitioner and Mr. Dilip Kumar No. 1, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
01.08.2022, in connection with Sessions Trial No. 327 of 2022
arising out of Kishanganj P.S. Case No. 304 of 2022, G.R. No.
1134 of 2022, F.I.R. dated 27.07.2022 registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

3. Earlier the petitioner has moved before this Court
in Cr. Misc. No. 4339 of 2023 which was allowed on
19.06.2023 with certain condition but due to non-fulfillment of
condition no. 3, the bail bond of the petitioner was not accepted



by the learned Trial Court and again the petitioner moved before this Court and file a modification application vide Cr. Misc. No. 59419 of 2023 which was rejected by this Court on 08.09.2023.

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 petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person namely Raju Kumar. He further submits that except the confessional statement of co-accused person, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 01.08.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the name of the petitioner has been transpired on the basis of confessional statement of co-accused person and apart from that the petitioner carries one more case other than the present one but fairly submits that the petitioner has been granted bail in the pending matter as mentioned in



paragraph-3 of the petition.

6. 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Sessions Trial No. 327 of 2022 arising out of Kishanganj P.S. Case No. 304 of 2022, G.R. No. 1134 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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