

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15718 of 2024

Arising Out of PS. Case No.-244 Year-2022 Thana- SIRDALA District- Nawada

Dilip Kumar @ Dilip Prasad S/O- Sri Ramswarup Prasad R/O- Village-
Hemja, P.S.- Wazirganj, Dist.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manmohan Kumar, Advocate
For the State : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-04-2024 Heard Mr. Manmohan Kumar, learned counsel for
the petitioner and Mr. Tarun Prasad Mandal, learned A.P.P.
appearing on behalf of the State.

2. The petitioner seeks bail, who is in custody since
24.05.2022, in connection with Sirdalla P.S. Case No. 244 of
2022, FIR dated 21.05.2022 registered for the offence under
Sections 302, 201 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the ground that
petitioner is the husband of the deceased. He further submits
that the informant is not an eye witness of the alleged
occurrence and even no one has seen the alleged occurrence. He
further submits that merely on the basis of the suspicion the



petitioner has been made accused in the present case.

4. Earlier the prayer for bail of the petitioner was rejected twice vide order dated 17.02.2023 passed in Cr. Misc. No. 53335 of 2022 and thereafter again petitioner approached this Hon'ble Court in Cr. Misc. No. 82516 of 2023 but the same was withdrawn with the liberty vide order dated 15.12.2023.

5. Vide order dated 01.03.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 11.03.2024 reveals that cognizance has been taken in the present case and case has been transferred to the Court of Sessions.

6. Learned counsel for the petitioner submits that in view of the report of the learned trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 24.05.2022.

7. Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

8. Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nawada in



connection with Siradala P.S. Case No. 244 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 canceled 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.

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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