

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17963 of 2024

Arising Out of PS. Case No.-158 Year-2020 Thana- RAGHUNATHPUR District- Siwan

Vijay Prakash Singh Son of Suryadev Singh Resident of Village- Dighwaliya,
P.S.- Raghunathpur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Udai Shankar Singh, Advocate
For the Opposite Party/s :	Mr. Arvind Kumar Pandey, APP
For the Informant :	Mr. Shambhu Prasad Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Udai Shankar Singh, learned counsel for the petitioner, Mr. Shambhu Prasad Yadav, learned counsel appearing on behalf of the informant as well as Mr. Arvind Kumar Pandey, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Raghunathpur P.S. Case No. 158 of 2020, F.I.R. dated 01.10.2020 for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, on receiving a phone call the son of the informant went out from the house. Later on his dead body was found in the Chawar near Kali Mandir.



4. Learned counsel for the petitioner submits that petitioner and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the date of occurrence as alleged in the F.I.R is 26.09.2020 but the present F.I.R instituted on 01.10.2020 i.e. after delay of about 5 days without giving any explanation of the said delay. He further submits that the police after investigation submitted a final form and not sent the petitioner for trial and the learned Court below also accepted the final form submitted by the police but the informant has moved before the District and Sessions Judge filing Criminal Revision No. 257 of 2022 and pursuant to the direction in the aforesaid case the learned Trial Court had issued summon against the petitioner under Section 302/34 of the Indian Penal Code.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and apart from that the petitioner carries two criminal antecedents other than the present one but fairly submits on the



basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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-1st, Siwan in connection with Raghunathpur P.S. Case No. 158 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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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