

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25595 of 2024

Arising Out of PS. Case No.-311 Year-2023 Thana- RUPASPUR District- Patna

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Krieshna Kumar @ Krishna Yadav @ Umesh Kumar Son of Chandrama Ray
R/o Village- Dhanaut, P.S. Rupaspur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-07-2024 Heard Mr. Arvind Kumar, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
24.01.2024, in connection with Rupaspur P.S. Case No. 311 of
2023, F.I.R. dated 27.04.2023 registered for the offences
punishable under Sections 302, 120(B), 34 of the Indian Penal
Code.

3. According to prosecution case, all the named
accused persons have threatened the informant to kill his son
and on 27.04.2023 in the evening his son was shot dead near
Chhulhuchak. The informant suspects that these accused
persons in conspiracy have murdered his son.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the name of the petitioner has been transpired on the basis of disclosure made by co-accused person namely Mamta @ Manta Kumari @ Pinki @ Pinki Devi and it has come during investigation that there is no accusation of any assault or overt act attributed against the petitioner and the petitioner was participated in disposing of the dead body of the deceased. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.01.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that there is no accusation of any assault or overt act attributed against the petitioner and except the confessional statement of co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence as well as petitioner is in custody since 24.01.2024, 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, Danapur, Patna in connection with Rupaspur P.S. Case No. 311 of 2023, 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.

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(Rajesh Kumar Verma, J)

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