

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46768 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- KHUSRUPUR District- Patna

Nand Kumar S/o Msudhan Mahto R/o vill - Hardasbigha, P.S. - Khusharupur,
Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Manoj Kumar Pandey, learned counsel
for the petitioner and Ms. Anita Kumari,
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
18.02.2024 in connection with Khusharupur P.S. Case No. 64 of
2024, F.I.R. dated 18.02.2024 for the offences punishable under
Sections 302, 201, 120B and 34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along
with other accused persons have assaulted and committed
murder of Bhukhiya Devi and one other person near the Ganga
river because of their illicit relation.

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 it appears



from the F.I.R that there is no specific allegation against the petitioner rather there is allegation against 20 persons and no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the video footage which was captured by the independent witnesses suggests that the petitioner was involved in the present crime in question. The name of the petitioner has been transpired on the basis of the confessional statement of the co-accused, namely, Jagdish Mahto which was recorded in paragraph no. 69 of the case diary and except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 18.02.2024.

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

6. Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Patna city in connection with Khusharupur



P.S. Case No. 64 of 2024, 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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