

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48107 of 2024

Arising Out of PS. Case No.-251 Year-2022 Thana- BELAGANJ District- Gaya

Naulesh Das S/o Late Lakhan Das R/o Village-Sindhani Tola, P.S.-Belaganj,
District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Akela, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Belaganj P.S. Case No.251 of 2022
registered for the offence punishable under Sections 301 and
201/34 of the Indian Penal Code.

3. Based on the written report, the prosecution alleges
that on 28.05.2022 the brother of the informant did not return to
the home; even after intensive search his whereabouts could not
be found. On 31.05.2022, one Sadhu Das has informed the
informant that the dead body of his brother has kept lying in
Sindhi Baghar. It is further informed that his brother was killed
by five named accused persons including the petitioner.

4. Learned Advocate for the petitioner contended that



the FIR clearly suggest that the brother of the informant was traceless since 28.05.2022 and his dead body was found on 31.05.2022 but the present FIR has been instituted on 01.06.2022 and the delay has not been explained. It is next contended that there is no eye-witness to the alleged occurrence and the entire case is based on the information of one Sadhu Das but surprisingly during the course of investigation the statement of Sadhu Das was not recorded by the police. The police after investigation found case false against some of the accused persons and submitted the charge-sheet against some of them including the petitioner. The entire case is based on circumstantial evidence and moreover, the petitioner bears fair antecedent; now the petitioner has been incarcerated since 17.06.2022, thus, moreover, two years have been lapsed in judicial custody.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that during the course of investigation incriminating materials have come which suggest the complicity of the petitioner in the crime. The investigation is also going on and on the last occasion the present status report was called for.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the entire case is based on the circumstantial evidence, moreover, out of six charge-sheet, prosecution witnesses till date not a single witness has been examined and the petitioner has been incarcerated for over a period of two years three months and there is no likelihood conclusion of the trial in near future, coupled with his fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II, Gaya in connection with Belaganj P.S. Case No.251 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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