

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46905 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- Kharagpur District- Munger

1. Kapil Choudhary S/o Late Huro Choudhary R/o vill - Rataitha, P.S. - Kharagpur, Distt. - Munger
2. Dimple Kumar Saw @ Dimpal Kumar S/o Pappu Saw @ Pappu Kumar Sha R/o vill - Rataitha, P.S. - Kharagpur, Distt. - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Ranjeet Patel, the learned Counsel for the petitioners and Mr. Bharat Bhushan, the learned Additional Public Prosecutor for the State.

2. Petitioners seek regular bail who is in custody since 11.03.2024, in connection with Kharagpur P.S. Case No. 79 of 2024, FIR dated 03.03.2024, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

4. According to the prosecution case, the informant alleged that on 02.03.2023, her deceased son Girish Kumar had gone for a birthday party along with the petitioners. After one hour they returned and slept over *Hurhuria Thela*. On



03.03.2024, at about 2.00 A.M., in the night when the informant went to awake her son to bring wood, she found her son dead. Accordingly, the F.I.R.

6. Learned Counsel for the petitioners submits that the petitioner no. 2 has clean antecedent and petitioner no. 1 carries one case other than the present and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. In fact, when they have returned from the party, they met with an accident and the deceased was riding the bike in question and he got injured and he was in drunken condition and due to this reason, he has died and petitioners have not committed anything wrong with the deceased and merely on the basis of suspicion, the petitioners have been made accused in the present case and the police has submitted charge sheet and they are in custody since 11.03.2024.

7. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners were last seen with the deceased persons apart from that it is an admitted fact that the petitioners along with the deceased has gone to



celebrate the party.

8. Considering the facts and circumstances of the case, let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Kharagpur P.S. Case No. 79 of 2024, subject to the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper 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 learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners.



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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