

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57116 of 2023

Arising Out of PS. Case No.-310 Year-2023 Thana- MAJHAULIA District- West Champaran

Muskan Kumar Son Of Shiv Shah Resident Of Village - Goda Semara, P.S. -
Majhauilya, District - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Soni Shrivastava, Advocate
		Mr. Sarandha Suman, Advocate
For the Opposite Party/s	:	Mr. Md. Ataur Rahman, APP
For the Informant	:	Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 10-04-2024 Heard Ms. Soni Shrivastava, learned counsel for the petitioner, Mr. Sanjeev Kumar, learned counsel appearing on behalf of the informant as well as Mr. Md. Ataur Rahman, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Majhauilya P.S. Case No. 310 of 2023, F.I.R. dated 27.04.2023 for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with other accused persons have kidnapped and strangled to death the grand daughter of the informant, namely, Priyanka Kumari and hanged her dead body in the property of Dharmendra Prasad.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. She further submits that the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion the petitioner has falsely been implicated in the present case and even no one has seen the occurrence. She further submits that except the suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

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 learned counsel for the informant submits that it has come during investigation in paragraph nos. 46 and 56 of the case diary that the CDR location of the petitioner suggests that the petitioner was present near the place of occurrence and apart from that the petitioner carries one criminal antecedent 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 matter.

6. Considering the aforesaid facts and circumstances that the name of the petitioner has been transpired on the basis



of suspicion and except the suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence, 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 Chief Judicial Magistrate, West Champaran, Bettiah in connection with Majhauriya P.S. Case No. 310 of 2023, 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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