

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56692 of 2024

Arising Out of PS. Case No.-382 Year-2024 Thana- PHULWARISHARIF District- Patna

Munna Prakash son of Sri Jaglal Ray, resident of Village- Ranipur, P.S. Phulwarisharif, Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Mr. Ajay Thakur, learned counsel for the petitioner and Mr. Sanjay Kumar Pandey, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 20.03.2024, in connection with Phulwarisharif P.S. Case No. 382 of 2024, F.I.R. dated 10.03.2024 registered for the offences punishable under Section 302 of the Indian Penal Code and later on Section 120(B)/34 of the Indian Penal Code and Sections 25(1-b)9a), 26, 35 of the Arms Act were added.

3. The F.I.R. of the occurrence of murder is against unknown.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named



in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person namely Arbind Kumar and thereafter self confessional statement of the petitioner. He further submits that except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 20.03.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has confessed his guilt in the present occurrence and apart from that the petitioner carries one more case 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 facts and circumstances of the case, 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 Additional Chief Judicial Magistrate-XIV, Patna in connection with Phulwarisharif P.S. Case No. 382 of 2024, 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.

(Rajesh Kumar Verma, J)

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