

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69063 of 2024

Arising Out of PS. Case No.-229 Year-2023 Thana- TARAPUR District- Munger

Sharvan Kumar S/o Dinesh Rajak R/o Village- Nayagaon, PS- East Colony,
Distt- Munger Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-11-2024 Heard Mr. Kumar Kamal Nayan, learned counsel
for the petitioner and Mr. Chandra Sen Prasad Singh, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
12.12.2023 in connection with S.T. No. 80 of 2024 arising out
of Tarapur P.S. Case No. 229 of 2023, F.I.R. dated 10.12.2023
for the offences punishable under Sections 302 and 201 of the
Indian Penal Code and later on Section 394 of the Indian Penal
Code was added.

3. According to prosecution case, the police party
have found a dead body near a dry pond and at about 70 meters
of distance, blood was spilled and a knife was also present
which suggests that the deceased was killed by the repeated
blow of knife by some unknown persons.

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 the



petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Ganesh Kumar. He further submits that the informant is not the eye witness of the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ganesh Kumar who has confessed the name of the petitioner has been granted bail by this Court vide order dated 18.09.2024 passed in Cr. Misc. No. 40032 of 2024. The petitioner is in custody since 12.12.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the co-accused Ganesh Kumar has confessed that the petitioner is involved in the present crime in question.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Ganesh Kumar who has been granted bail by this Court, 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 Additional District Judge-V, Munger in connection with S.T. No. 80 of 2024 arising out of Tarapur P.S. Case No. 229 of 2023, 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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