

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67335 of 2024

Arising Out of PS. Case No.-104 Year-2020 Thana- BHAWANIPUR District- Purnia

Birbal Mahra @ Birbal Kumar Son of Late Ramdeo Mehra Resident of
Village- Makdampur Kahar Toli, P.S. - Purauni, District- Madhepur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Mr. Alok Kumar Singh, learned counsel for

the petitioner and Mr. Lakshmi Kant Sharma, learned A.P.P. for

the State.

2. The petitioner seeks bail, who is in custody since
22.03.2021, in connection with S.T. No. 207 of 2021 arising out
of Bhawanipur P.S. Case No. 104 of 2020, FIR dated
02.06.2020 registered for the offence under Sections 302 and
120(B) of the Indian Penal Code read with Section 27 of the
Arms Act.

3. As per the prosecution case, father of the
informant has been murdered by the unknown persons.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. He further submits that the petitioner has
not been named in the F.I.R. the name of the petitioner has been



transpired during the investigation on the basis of the confessional statement of the co-accused person, namely, Bambam Mehra and the said Bambam Mehra has already been granted bail a co-ordinate Bench of this Court vide order dated 02.08.2021 passed in Cr. Misc. No. 17088 of 2021. He further submits that except the confessional statement of the co-accused person no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.03.2021.

5. Learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner is not named in the FIR, the name of the petitioner has been transpired during the investigation on the basis of the confessional statement of the co-accused person who has already been granted bail by a co-ordinate Bench of this Court as well as period of custody, let the, above named, petitioner 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



learned 3rd Additional Session Judge, Purnea in connection with S.T. No. 207 of 2021 arising out of Bhawanipur P.S. Case No. 104 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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