

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71425 of 2023

Arising Out of PS. Case No.-205 Year-2022 Thana- KHAIRA District- Saran

1. Amarjeet Kumar @ Bhola Kumar S/O Ashok Rai Village- Chainpur, Ps. Taraiya, Dist. Saran
2. Raju Kumar @ Raju Kumar Yadav S/O Jhingan Ray @ Suresh Ray Village- Kerwa, Ps. Isuapur, Dist. Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71563 of 2023

Arising Out of PS. Case No.-205 Year-2022 Thana- KHAIRA District- Saran

Prayag Giri @ Prayag Goswami @ Prayag Kumar Giri Son of Late Upendra Kumar Giri Resident of Village - Siswan, P.S. - Isuapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71425 of 2023)

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the State : Mr. Choubey Jawahar, APP

(In CRIMINAL MISCELLANEOUS No. 71563 of 2023)

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-03-2024 Heard Mr. Harish Kumar, learned counsel for the petitioners and Mr. Choubey Jawahar, learned Additional Public Prosecutor for the State in Cr. Misc. No.71425 of 2023 and Mr. Udai Shankar Singh, learned counsel for the petitioner and Mr. Aditya Narayan Singh.1, learned Additional Public Prosecutor



for the State in Cr. Misc. No. 71563 of 2023.

2. The petitioners are apprehending their arrest in connection with Khaira P.S. Case No. 205 of 2022, F.I.R. dated 26.05.2022 for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

3. It is a case of murder of the son of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that petitioners are not named in the FIR, the name of the petitioners have been transpired during the investigation after six months of the date of the occurrence on the basis of the confessional statement of the co-accused person, namely, Sachin Kumar which was recorded in paragraph-100 of the case diary in which he has categorically stated that petitioners have caught hold the hand of the deceased and the co-accused persons namely, Kundan and Raju have strangulated him. He further submits that except the confessional statement of the co-accused person no other cogent material has come during the investigation to connect the complexity of the petitioners in the present occurrence and there is no eye witness of the alleged occurrence.



5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that petitioners having clean antecedent and only on the basis of the confessional statement of the co-accused persons they have been made accused in the present case and in the confessional statement of the co-accused person there is no direct allegation or overt act against these petitioners, let the petitioners, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saran in connection with Khaira P.S. Case No. 205 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 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 court below 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 court below shall take step for cancellation of bail bonds 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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