

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2358 of 2024

Arising Out of PS. Case No.-331 Year-2022 Thana- MAJORGANJ District- Sitamarhi

Vivek Kumar S/O Shankar Prasad @ Shankar Rastogi R/O Village-
Majorganj, Ward No.-8, P.S- Majorganj, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-04-2024 Heard Mr. Md. Shamimul Hoda, the learned

counsel for the petitioner and Mr. Rajendra Singh, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
27.09.2023 in connection with B.P. No. 1291 of 2023, arising
out of Majorganj P.S. Case No. 331 of 2022, FIR dated
08.10.2022, registered for the offence punishable under Section
302 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, one Rajesh
Singh @ Rajesh Das demanded Rs. 10,000/- (Rupees ten
thousand) from the husband of the informant threatening with
dire consequences and on the very next day the petitioner along
with co-accused person namely, Shivjee Mahto came at the
house of the informant and took her husband for some painting

work at their house. It is further alleged that at around midnight the co-accused persons dropped the informant's husband near her house in an injured and unconscious condition, who later succumbed to injury.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case on the basis of suspicion. He further submits that the informant is not the eye-witness of the alleged occurrence and only on the basis of suspicion she has falsely implicated the petitioner in the present case and as per the allegation in the FIR, all the accused persons including the petitioner have assaulted to the husband of the informant, but the *post-mortem* report of the husband of the informant suggests that only one injury was found on the person of the deceased and one similarly situated co-accused person namely, Shivji @ Shivji Mahto has been granted regular bail by this Court vide order dated 04.07.2023 passed in Cr. Misc. No. 16932 of 2023. He lastly submits that the police after investigation has submitted the chargesheet and the petitioner is in judicial custody since 27.09.2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that it has come during

investigation that the petitioner has actively participated in the present crime in question and apart from that the petitioner carries two criminal antecedents other than the present one, however, he fairly admits on the paragraph no. 3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances and the fact that a similarly situated co-accused person have been granted bail and the period of custody of the petitioner, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-III, Sitamarhi, in connection with **Majorganj P.S. Case No. 331 of 2022**, 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 trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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)

Shahnawaz/-

U		T	
---	--	---	--