

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22977 of 2025

Arising Out of PS. Case No.-95 Year-2022 Thana- DHOLBAJJA District- Bhagalpur

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Mohan Kumar @ Mohan Kumar Jaibik S/o Late Sita Singh @ Late Sita Prasad Singh Resident of village- Pachgachia, Tola Kadwa, P.S.- Dholbajja (Kadwa), District -Bhagalpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-06-2025 Heard Mr.Sunil Kumar Singh, learned counsel for the petitioner and Mr.Ganesh Prasad Singh, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 16.12.2024 in connection with Dholbajja (Kadwa) P.S. Case No. 95 of 2022, S.Tr.No.177/ 2025, F.I.R. dated 09.10.2022 registered for the offence punishable under Sections 302/34 of IPC and Section 27 of Arms Act.

3. According to prosecution case, husband of the informant was found shot dead.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. From a bare perusal of the FIR, it appears that the informant is not the eye witness of the alleged occurrence and she has incorporated the name of the petitioner only on the basis of suspicion and



except the suspicion, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and co-accused person, namely, Indal Singh @ Indal Kumar, against whom the similar allegation, has been granted bail by this Court vide order dated 28.08.2023 passed in Cr. Misc. No.46765 of 2023. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 16.12.2024 and thereafter the charge has been framed against the petitioner on 25.02.2025.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has clean antecedent, except the suspicion, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence, co-accused person, namely, Indal Singh @ Indal Kumar, against whom the similar allegation, has been granted bail by this Court and charge has been framed against the petitioner, 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 learned Additional District and Sessions Judge-I, Naugachia, Bhagalpur in connection with Dholbajja (Kadwa) P.S.



Case No. 95 of 2022, S.Tr.No.177/ 2025, 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 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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