

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73430 of 2024

Arising Out of PS. Case No.-180 Year-2016 Thana- TAJPUR District- Samastipur

Sundar Kapar Son of Tanuk Kapar Resident of Village- Gunase Basahi, P.S.-
Tajpur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the State	:	Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Anuj Kumar, learned counsel for the
petitioner and Mr. Yogendra Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Tajpur P.S. Case No. 180 of 2016, F.I.R. dated
10.06.2016 for the offences punishable under Sections 302, 201
and 34 of the Indian Penal Code.

3. According to prosecution case, the case relates to
murder of a 40 years old person by unknown.

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 petitioner
is not named in the FIR and his name has been transpired during
the investigation on the basis of the written application



submitted by one Amiriki Devi on 15.06.2016 which suggests that the petitioner has called her husband and thereafter on 10.06.2016 the dead body of her husband was recovered. He further submits that dead body of the husband of the informant was recovered on 10.06.2016 but till date wife of the deceased has not filed any complaint petition and all of a sudden on 15.06.2016 she has filed the present application and on that basis, the name of the petitioner has been transpired in the present case. He further submits that nothing has come during the investigation to suggest the involvement of the petitioner in the present occurrence at best the petitioner may be last seen with the deceased and no one has seen the present occurrence. He further submits that except the aforesaid no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that petitioner has clean antecedent, petitioner has not been named in the FIR, the name of the petitioner has been transpired during the investigation and nothing has come during the investigation



against the petitioner, let the petitioner, 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Tajpur P.S. Case No. 180 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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)

ajay/-

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

