

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38704 of 2018

Arising Out of PS. Case No.-153 Year-2016 Thana- KASIMBAZAR District- Munger

Prem Shankar Kumar @ Ghosh Yadav S/o Sahdeo Yadav @ Sahdeo Prasad
Yadav, R/o Vill.- Bagh Naulakha, P.S.- Naya Ram Nagar , District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karuna Nath Sahay

For the Opposite Party/s : Mr. Smt Pushpa Sinha

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
10.10.2017 in connection with Sessions Trial No. 244 of 2017,
arising out of Kasim Bazar P.S. Case No. 153 of 2016 for
offences punishable under Sections 302/34/120(B) of the Indian
Penal Code and under Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that about 19-20 persons came in 10 motorcycles and shot at the
informant's son Suraj Sah @ Jharkahwa, as a result he
succumbed to the injuries.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in
the aforesaid case. In fact, the informant's son was a veteran



criminal and as many as 22 cases were pending against him and it is most likely that due to rivalry among two factions the informant's son must have been killed. He submits that the allegations are general and omnibus against all the accused persons and some of the accused have been granted the privilege of bail by this Court and co-ordinate Benches of this Court in Cr. Misc. No. 39286 of 2018 vide order dated 04.07.2018, Cr. Misc. No. 27718 of 2018, Cr. Misc. No. 20006 of 2018, Cr. Misc. No. 32349 of 2018 and Cr. Misc. No. 32305 of 2018. He further submits that the injury on the vital part is not ascertainable or attributable to the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Addl. Session Judge, Munger, in connection with Sessions Trial No. 244 of 2017, arising out of Kasim Bazar P.S. Case No. 153 of 2016, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating his relationship with the petitioner.

- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/Pragya

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