

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13942 of 2019

Arising Out of PS. Case No.-529 Year-2017 Thana- PHULWARISHARIF District- Patna

Shrawan Kumar, Son of Shyam Thakur R/o village- Gobindpur, P.S-
Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 01-05-2019 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in Phulwarisharif P.S.
Case No. 529 of 2017 registered under Section 302/34 of the
Indian Penal Code and Section 25 (1-b) a, 26 and 35 of the
Arms Act.

The petitioner along with Kundan Kumar is said to
have gunned down the brother of the informant, namely, Md.
Arju Raja over row of photo shooting.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He has been
falsely implicated in this case by the informant due to animosity.
Citing the restatement of the informant and statement of the



witnesses recorded in paras-8 & 9 of the case diary, learned counsel for the petitioner further submitted that as per the account of the informant and the aforesaid witnesses both Kundar Kumar and Shrawan Kumar resorted firing by means of pistol which hit the deceased while the doctor conducting the autopsy of the cadaver of the deceased found only one entry wound injury, hence the assailant of the said injury is not ascertained. Earlier the bail prayer of the petitioner was rejected with a direction to the learned trial Court to conclude the trial within nine months, but as per the report of the learned trial Court 08.04.2019 was the date fixed for commitment of the case and the case has not been committed to the Court of Sessions as yet. The petitioner has been languishing in custody since 31.08.2017.

On the other hand, learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-cum-Sub Judge-XV, Patna in connection with Phulwarisharif



P.S. Case No.529 of 2017, subject to the condition that (i) the petitioner shall turn up before the Court on each and every date fixed in the case and in the case of failure to appear before the Court on two consecutive dates without any genuine cause to the satisfaction of the learned Court his bail bonds shall be liable to be cancelled, (ii) petitioner will not tamper with the evidence and (iii) petitioner will extend all sorts of cooperation in conclusion of the trial at the earliest.

(Prakash Chandra Jaiswal, J)

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