

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28422 of 2020

Arising Out of PS. Case No.-28 Year-2020 Thana- SURSAND District- Sitamarhi

PREM KUMAR @ PREM RAI S/o Shrawan Rai Resident of Village-
Bangaraha, Police Station-Bajpatti, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-11-2020 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard both parties.

The petitioner seeks bail in Sursand P.S. Case No. 28
of 2020, registered for the offence punishable under Section 394
of the Indian Penal Code.

As per prosecution case, the informant along with
Baiju Prasad after closing his shop, was returning to his home,
on the way, three miscreants boarded on motorcycle, forcibly
stopped the cycle of informant and fired upon him which hit his
left cheek and one bullet hit abdomen of Baiju Prasad, thereafter
snatched his bag containing 50 to 55 thousand cash and fled
away.



It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. Petitioner is not named in the FIR. During course of investigation, the spy has disclosed the name of this petitioner. No incriminating article has been recovered from possession of this petitioner. No test identification parade has been held till date. Charge sheet has already been submitted. Petitioner is in custody since 01.04.2020.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to 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 the learned Judicial Magistrate Ist Class, Pupri, Sitamarhi in connection with Sursand P.S. Case No. 28 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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