

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14562 of 2021**

Arising Out of PS. Case No.-285 Year-2015 Thana- KONCH District- Gaya

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Bhushan Sharma @ Bipin Jee @ Vipin Jee @ Chandrabhushan S/O Late
Ragho Singh R/O Village-Chabura P.S Anti District Gaya

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Manisha Prakash, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 09-09-2021 Heard learned counsel for the petitioner and Mr. Ram
Bilash Roy Raman, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Konch P.S. Case No. 285 of 2015 registered for the offences punishable under Section 302/34 of the Indian Penal Code and 27 of the Arms Act. He is in custody since 28.08.2019.

As per the prosecution story, the dead body of the brother of the informant was found in the field of one Ram Kripal Yadav and he had been found shot dead. The villagers disclosed that 4-5 persons who were on two motorcycles had shot at the brother of the informant.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R., however he has been made accused on mere suspicion. His confessional statement was extracted in the police custody.

Learned counsel submits that the petitioner has been made accused only because of his criminal antecedents. The learned Sessions Judge while rejecting the prayer for bail of the petitioner has not mentioned any cogent material available in the case diary against the petitioner. Similarly situated co-accused have been granted bail by learned coordinate Benches of this Court in Cr. Misc. No. 10916/2017, Cr. Misc. No. 41909/2017 and Cr. Misc. No. 14336/2020. It is submitted that the petitioner has remained in jail for over two years but the trial has yet not commenced.

Mr. Ram Bilash Roy Raman, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein no material has been pointed out to this Court to distinguish the case of the petitioner from that of those co-accused who have been granted bail, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - III, Gaya in connection with Konch P.S. Case No. 285/2015, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

Before this Court parts with this order, it is expedient to record the information furnished to this court by learned counsel for the petitioner. It is stated that out of 12 cases stated in paragraph '3', the petitioner has been enlarged on bail in the cases at serial no. (i), (ii), (iii), (iv), (vi), (viii), (xi) and (xii). In the cases stated in paragraph 3(v), (vii), (ix) and (x) either the petitioner has not applied for bail or has not been taken on remand till date. The case in which petitioner has not been taken on remand is stated at serial no. (x). This is required to be brought to the notice of the Investigating Officer.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.