

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15307 of 2021

Arising Out of PS. Case No.-315 Year-2019 Thana- BEUR District- Patna

Bhola Yadav @ Bhola Gope @ Bhola Roy aged about 35 years Son Of
Shyam Babu Prasad Resident Of Village - Sotachak, P.S.- Parsa Bazar,
District – Patna

... .. Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Sarvan Kumar, Advocate
For the Opposite Party : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-09-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 302, 120B/34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on 23-08-2019 at 7 P.M. co-accused Rishi Kumar had carried informant's brother Raushan Kumar on his vehicle and took him in a room situated at Harichandra Nagar Krishi Farm where co-accused Shami Anand, Bittu and Vijay were present from earlier. Thereafter they took the victim near road and shot him dead. It has also been alleged that the victim and co accused Niraj Singh were jointly running business and on 20 July 2019 due to money transaction altercation had taken place between them. It has also been alleged that co-accused Niarj Kumar had given



cheque in the signature of his father of Rs. 4,00,000/- to informant's brother and told that presently there is no money in account and money will be credited in account in one-two days. Informant has suspected that co-accused Niraj Kumar Singh with the help of other co accused persons have killed his brother.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Petitioner's name has figured during course of investigation in confessional statement of co-accused Bittu Kumar. There is no substantive evidence to suggest the implication of this petitioner in the present case. Charge sheet has already been submitted. Petitioner is in custody since 20.1.2020.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties and the materials available on the record, let the petitioner, mentioned above, 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 Additional Sessions Judge XXV, Patna in Sessions Trial No. 395 of 2020 (Suppl. Sessions Trial



No. 224 of 2020) on the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(Prabhat Kumar Singh, J)

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