

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17857 of 2021**

Arising Out of PS. Case No.-135 Year-2020 Thana- GAMAHARIYA District- Madhepura

SANDIP KUMAR Son of Udho Yadav Resident of Village - Itwa Jogbani,
Ward no. 6, P.S.- Gamharia, District - Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Ms. Punita Kumari Singh, Advocate
	:	Mr. Surendra Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP

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

3 24-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

At the outset learned counsel for the petitioner seeks permission to correct Police Station Case Number in the first paragraph as well as in prayer portion of the main petition wherein Police Station Case Number has been wrongly typed as ‘185’ the correct Police station case no. is ‘135’.

Permission is granted.

Let the correction be carried out.

Heard Ms. Punita Kumari Singh, learned counsel for the petitioner and Mr. Pramod Kumar Pandey, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Gamharia P.S. Case No. 135 of 2020 registered for the offences punishable under Section 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 18.08.2020. The petitioner has got no criminal antecedent.

As per the prosecution story, the father of the informant was Block Chairman and had gone to visit a *mela*. While he was returning at about 8 pm he stopped at a pan shop of one Shankar Chaudhary where some unknown criminals came and fired upon him. It is alleged that the informant's father fell down after receiving the bullet injury and died on the way to hospital.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R., however, his name has come in the confessional statement of co-accused Prahlad Kumar but save and accept the confessional statement there is no other material to connect the petitioner with the present case.

Learned counsel submits that co-accused Suraj Kumar and Himanshu Kumar @ Bittu Yadav whose name has also come in the confessional statement of co-accused Prahlad Kumar have been granted bail in Cr. Misc. No. 39813 of 2020

and Cr. Misc. No. 1758 of 2021 respectively.

Mr. Pramod Kumar Pandey, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner but at the same time informs this Court that at the time of alleged occurrence there were six persons present with the deceased out of whom three persons have been examined by police but they have not identified any of the miscreants. Learned A.P.P. further submits that in the confessional statement of the co-accused Prahlad Kumar, the specific allegation of firing the fatal shot has been made against the co-accused Raja and Aashish Kumar, son of Sikandar Yadav. Learned A.P.P. submits that the post-mortem shows two fire-arm injuries on the abdomen and chest.

Considering the facts and circumstances of the case wherein except the confessional statement of the co-accused no other material has been brought to the notice of this Court against the petitioner and the petitioner seems to be similarly situated with co-accused Suraj Kumar and Himanshu Kumar who have been granted privilege of bail, as also that the petitioner has remained in custody for over one year and investigation against him is complete, let the petitioner above named be released 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 Chief Judicial Magistrate, Madhepura in connection with Gamharia P.S. Case No. 135 of 2020 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.