

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21504 of 2021

Arising Out of PS. Case No.-270 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

PRABHAT KUMAR S/O MANOJ KUMAR @ MANOJ SINGH R/o village-
Rampur Asli, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan, Adv.

For the Opposite Party/s : Mr.Ajit kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-10-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sahebganj
P.S. Case No.270 of 2020, registered for the offence punishable
under Sections 393, 324, 307 IPC and sections 27 Arms Act.

The prosecution case in short is that on 28.05.2020, when
the informant was at his C.S.P. Centre, three accused persons
reached there and tried to snatch cash from the C.S.P. center and
they started firing on Rajendra Ray who got fire arms injury and
after gathering of the local people, they fled away.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. No offence as alleged has ever taken
place. He has been falsely implicated in this case due to enmity.



He is not named in the FIR nor apprehended on the spot. His name transpired in this case on the confessional statement of co-accused. The case was instituted against unknown persons and the role against the petitioner attributed is that he was liner. No incriminating article has been recovered from the conscious physical possession of the petitioner. The injury of Rajendra Rai and the informant have been found to be simple in nature. The petitioner has three criminal antecedent and has been remanded in this case on 30.9.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I (W), Muzaffarpur, in connection with Sahebganj P.S. Case No.270 of 2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will



inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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