

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26461 of 2021**

Arising Out of PS. Case No.-210 Year-2020 Thana- SITAMARHI District- Sitamarhi

OMPRAKASH @ O.P @ SUSHANT KUMAR S/o Gopal Singh @ Gopal
Kumar R/o village- Rampur Gangoli, P.S.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 30-07-2021 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 Sitamarhi P.S. Case No.

210 of 2020, registered for the offence punishable under Section

307/34 of the Indian Penal Code.

As per the prosecution case, two unknown miscreants

came at the shop of the informant who was eating and one of

them took out pistol and fired upon the informant, causing

injury on his stomach, thereafter, they fled away.

It is submitted on behalf of the petitioner that

petitioner is not named in the FIR. Petitioner has been arrested

in Suppi PS case No. 84 of 2017 in which he confessed his guilt



before the police and thereafter he has been remanded in this case. No incriminating article has been recovered from possession of this petitioner. No test identification parade has been held till date. Similarly situated co-accused Bambam @ Priya Ranjan Mishra has been granted bail by the court below itself. It is stated in para 3 that though petitioner is accused in seven more cases, but in six cases he is on bail. Petitioner is in custody since 23.04.2020.

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 Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 210 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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