

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26522 of 2021**

Arising Out of PS. Case No.-362 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

Diwakar Singh @ Diwakar @ Manu Singh Gender – Male, Aged about 30 years, S/O Late Vijay Bahadur Singh R/O Village Puraini, P.S-Kudra, District-Kaimur (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Animesh Kumar

For the Opposite Party/s : Mr. Shantanu Kumar A.P.P

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

2. 30-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Kudra P.S. Case No. 362 of 2020, registered for the offence under Sections 341, 323, 307, 504, 506 r/w section 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on a secret information that accused in Kudra P.S. Case No. 352/2020 namely Bali Prasad Gaud was coming at Kudra, a raid was conducted and accused Bali Prasad Gaud was apprehended, and in confessional statement, he disclosed the name of petitioner and other FIR named accused persons, who are alleged to have participated in the alleged firing upon Chicken shopkeeper.



It is submitted on behalf of the petitioner that petitioner is named in the FIR only on the basis of confessional statement of co-accused Bali Prasad Gaud and save & except this, there is no incriminating material against this petitioner. Similarly situated co-accused namely Randhir Kumar has already been granted bail by a coordinate Bench of this Court, vide order dated 30.04.2021 passed in Cr.Misc. No. 23884 of 2021. Petitioner claims clean antecedent and he is in custody since 07.01.2021.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – VI, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 362 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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.)

anay

U		T	
---	--	---	--

