

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28445 of 2021

Arising Out of PS. Case No.-73 Year-2019 Thana- PARSAUNI District- Sitamarhi

SHATRUGHAN KUMAR, Son of Vinod Sah, Resident of Village- Dhanushi,
P.S.- Runisaidpur, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-10-2021 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.

Heard learned counsel for the petitioner and Mr. Shantanu Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Parsauni P.S. Case No. 73 of 2019 registered for the offence punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 08.01.2021. Petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that as per the First Information Report due to some previous dispute the three persons named in the F.I.R. and three unknown persons had killed the father-in-law of the informant when he was coming on his Apache motorcycle. It was found that he had suffered fire-arm injuries on his



head, back and on the shoulder.

Learned counsel submits that the petitioner is not named in the F.I.R., in course of investigation the name of the petitioner has transpired as one of the persons who had participated in the alleged occurrence.

It is pointed out that the co-accused who are named in the F.I.R. particularly co-accused Gaffar Nadaf against whom the wife of the deceased claimed to be an eye witness and she had named him as one of the assailant has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 5473 of 2020 (Annexure '3'). The co-accused Md. Kashim Nadaf @ Kasim Nadaf and another co-accused Hashim Miya @ Hasim Mian @ Mohammad Hasim have also been granted bail by different learned coordinate Benches of this Court.

It is, thus, submitted that the petitioner against whom there is no independent material to connect him with this case and has remained in custody for over nine months be released on bail.

Mr. Shantanu Kumar, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but after going through the orders passed by learned coordinate Benches of this Court in the case of the co-accused and further that no specific material has been pointed out in the impugned order by learned Additional Sessions Judge-III, Sitamarhi against this petitioner and his role is not more than an allegation of having been actively



participated in the occurrence but without any specific role attributed to him, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Sri Rakesh Kumar, learned Judicial Magistrate 1st Class, Sitamarhi in connection with Parsauni P.S. Case No. 73 of 2019, 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.

(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'.

