

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39187 of 2021**

Arising Out of PS. Case No.-311 Year-2019 Thana- MAHARAJGANJ District- Siwan

Sarvanand Prasad S/O Late Kamaldeo Prasad R/o village- Purani Bazar, P.S.-
Maharajganj, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Ram Naresh Ray

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

2 01-10-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Maharajganj P.S. Case No.
311 of 2019, registered for the offence punishable under
Sections 302/120(B)/34 of the Indian Penal Code.

As per the prosecution case, co-accused Ashwani
Kumar fired on the head of son of informant, as a result of
which he died during course of treatment. This petitioner and
four other co-accused are alleged to have conspired in killing
the son of informant.

It is submitted on behalf of the petitioner that specific
allegation of causing firearm injury is against co-accused
Ashwani Kumar. So far as this petitioner is concerned, he is



only alleged to be one of the conspirators. Petitioner is not the assailant of deceased. After completion of investigation, the police has submitted final form being Final Report No. 115 of 2020 dated 30.06.2020 finding the case untrue against petitioner and three others. Similarly situated co-accused have been granted bail by different Benches of this court vide order dated 01.07.2020 passed in Cr. Misc. No. 18668 of 2020 dated 10.06.2020 passed in Cr. Misc. No. 17392 of 2020 (Annexure-3). Petitioner is in custody since 10.03.2021 having clean antecedent.

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 Additional Chief Judicial Magistrate V, Siwan in connection with Maharajganj P.S. Case No. 311 of 2019, 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)

vinita/-

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