

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30209 of 2020

Arising Out of PS. Case No.-509 Year-2019 Thana- BIDUPUR District- Vaishali

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Ramesh Kumar @ Ramesh Kumar Singh, Male, aged about 21 years, S/o Radhe Singh, Resident of Village-Majlishpur Bidupur, P.S-Bidupur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the State : Mr.Arun Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-01-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Bidupur P.S. Case No. 509 of 2019 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation is that the six accused persons including the petitioner on two motorcycles came and co-accused Aditya Kumar shot down the informant's son while others fled away firing gun shots. The victim was brought to the hospital where he was declared dead.

Learned counsel for the petitioner submits that the petitioner is in jail custody since 19.12.2019. There is no



allegation of tampering of witnesses alleged against the petitioner. The main allegation is alleged against the co-accused, namely, Aditya Kumar, who is alleged to have fired upon the deceased which led to his death. So far the petitioner is concerned, he is a member of unlawful assembly. Except for this, there is no other substantive evidence to suggest his implication in this case. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Co-ordinate Bench of this Court vide order dated 02.03.2020 passed in Cr. Misc. No.14385 of 2020.

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

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Bidupur P.S. Case No. 509 of 2019, subject to the following conditions :

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in



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.

(Anjani Kumar Sharan, J)

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