

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2299 of 2022

Arising Out of PS. Case No.-827 Year-2020 Thana- SAHARSA SADAR District- Saharsa

BANSRAJ SON OF LATE RAJESHWAR DAS R/O - SUBEDARI TOLA,
WARD NO.39, P.S.- SAHARSA, DISTRICT- SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307,302, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The gist of the prosecution case is that informant's son was shot by co-accused Ashish Kumar Mishra and after that the petitioner along with other accused, who were armed with weapon and knife, gave several times knife blow on the informant's son who died in the said occurrence.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR that there is general and omnibus allegation against the petitioner. He further submits that specific allegation of firing upon the deceased is against co-accused Ashish Kumar Mishra. He further submits that during investigation nothing has come against the petitioner and the police after investigation submitted charge sheet against the petitioner and other accused person. Moreover, similarly situated co-accused, Ankit Mishra has already been granted bail vide order dated 10.03.2022 passed in Cr. Misc. No. 40075 of 2021 and co-accused, namely, Tarun Kumar Mishra @ Tarun Mishra has also been granted bail vide order dated 29-03-2022 in Cr. Misc. No. 50661 of 2021 by this Hon'ble Court. The petitioner is in custody since 04.05.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Court below where the case is pending in connection with Saharsa Sadar P.S. Case No. 827 of 2020, with the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her 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.

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.

(Rajesh Kumar Verma, J)

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