

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7536 of 2022

Arising Out of PS. Case No.-391 Year-2021 Thana- KOTWALI District- Munger

JYOTISH KUMAR S/o- Ganesh Sao R/o Village- Nayagaon, P.S. - Kotwali
(Basudeopur O.P.), District – Munger. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-08-2022 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 learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302,120(B) and 34 of the IPC and Section 27 of Arms Act.

As per the prosecution case, it is stated by the informant that on 01.09.2021 the brother of the informant Sajid was at his home, at that time one of his co-villager Shahrukh called the brother of the informant and took him to grocery shop of Gautam Kumar where his associate Vikki Kumar, Bipin Sao, son of Ganesh Sao (the petitioner) were present there. All were armed with weapons. At about 6.30 PM miscreants started making indiscriminate firing at Sajid. Sajid received many gun



shot injuries. After this miscreants fled away. The injured was brought to Sadar hospital Munger and from there he was referred to PMCH Patna. The brother of the informant died on way to Patna.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that there is no eye witness of the alleged occurrence. Further submits that during investigation it has come that co-accused, namely, Uttam Mishra has fired upon the brother of the informant and there is general and omnibus allegation against the petitioner. Further submits that during investigation nothing has come against the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 08.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case 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 G.R.No. 2014 of 2021 arising of the Kotwali (Basudeopur O.P.) P.S. Case No.391 of 2021, 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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