

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9829 of 2022

Arising Out of PS. Case No.-287 Year-2020 Thana- SAHPUR District- Patna

MONU KUMAR @ MONU SARKAR Son of Rajeshwar Prasad @
Rajeshwar Ray Resident of Village - Shiwalapar, Near Shiv mandir, Neura,
P.s.-Shahpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 12-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Shahpur P.S. Case No. 287 of 2020 corresponding to Sessions
Trial No. 237 of 2021 registered for the offences punishable
under Sections 302 and 34 of the Indian Penal Code and under
Section 27 of the Arms Act.

As per prosecution case, unknown accused persons
fired and killed the informant's father.

Learned counsel for the petitioner submits that
petitioner is in custody since 21.09.2020. Petitioner bears ten



criminal antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. Name of present petitioner has been transpired during the course of investigation. It is further stated that after 18 days of the institution of the present case, the police arrested some persons including the present petitioner in the evening of 20.08.2020 for which Shahpur P.S. Case No. 310 of 2020 was registered for the offences punishable under Section 399/402/414 and under Section 25(1-b), 26, 35 of the Arms Act. Learned counsel further submits that the petitioner has falsely been implicated and remanded in the present case as well as many cases as mentioned in para 3 of the bail petition. During course of investigation, co-accused namely Vishal Kumar alias Vishal Kumar Chaudhary allegedly fired upon the informant's father due to which informant's father died and the alleged weapon has been recovered from co-accused Vishal Kumar. Co-accused Vishal Kumar has already been granted bail vide Cr. Misc. No. 32861 of 2021 by a co-ordinate bench of this Court and the case of present petitioner stands on better footing. Except self confessional statement of the petitioner there is nothing on record to demonstrate the



complicity of the present petitioner with the alleged occurrence. Moreover, the informant and petitioner are co-villagers and because of previous enmity petitioner has falsely implicated in the present case after eighteen days of the institution of the present case. Other co-accused persons namely Rakesh Kumar and Subhash Yadav have already been granted bail vide Cr. Misc. No. 21503 of 2021 and co-accused Manish Kumar alias Bithla has already been granted bail vide Cr. Misc. No. 23218 of 2021 by a co-ordinate bench of this Court as mentioned at Annexure -3 series of this bail petition.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody near about 2 years, petitioner is not named in the F.I.R., charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties, and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – V, Danapur,



Patna in connection with Shahpur P.S. Case No. 287 of 2020, corresponding to Sessions Trial No. 237 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(v) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and after release from jail he shall get his presence marked before the officer-in-charge of the concerned police station



on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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