

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14583 of 2022

Arising Out of PS. Case No.-389 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

Govind Kumar Son of Suresh Paswan, Resident of Village - Kakanchaur, P.S.-
Lakchimipur, Distt.- Jamui. Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwa Bijay Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 18-08-2022 Let the defect, if any, be removed within two weeks
from today.

Vide order dated 16.08.2022 a show cause notice was
issued. The explanation of the said show cause has been
received.

Let it be accepted with a direction that from future
due precaution should be taken by the concerned officials.

With this direction, let this show cause be dropped.

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

The petitioner seeks regular bail in connection with
Laheri P. S. Case No. 389 of 2021 lodged under Section 302 of
the Indian Penal Code read with Section 27 of the Arms Act.

As per the prosecution case, the informant has made a
communication to the police that his brother was died due to
gun shot and was killed by unknown criminals, with this
allegation, case was filed.

Learned counsel for the petitioner submits that

petitioner was remanded in the present case on 21.09.2021 whereas he was arrested in another case namely, Laheri P.S. Case No. 391 of 2021 under Arms Act and he is on bail in the said case. He further submits that in the present case his name has figured by virtue of the confessional statement of one Rohit Kumar @ Gangster, except the confessional statement, there is one more material against the petitioner that he was identified in CCTV Camera moving with pistol in his hand. Learned counsel for the petitioner further submits that in this regard for moving with pistol in his hand, there is already a case pending i.e. Laheri P.S. Case No. 391 of 2021 on which he is on bail. He further submits that charge sheet has already been filed in this case and petitioner is in custody since 21.09.2021.

Learned counsel for the State opposes the prayer for bail and submits that there may not be direct evidence against the present petitioner, but his involvement cannot be outrightly rejected as the co-accused has disclosed the name of the present petitioner in this case.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to

the satisfaction of learned Chief Judicial Magistrate, Biharsharif, Nalanda in connection with Laheri P.S. Case No. 389 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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