

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19136 of 2022

Arising Out of PS. Case No.-95 Year-2020 Thana- KOILWAR District- Bhojpur

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ASHISH KUMAR @ BIPU KUMAR @ BIPUL KUMAR Son of Binod
Singh Resident of Village - Mariyara, Police Station- Koilwar, District -
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jata Shankar Jha

For the Opposite Party/s : Mr.Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offence punishable under Sections 394, 379 of the Indian Penal

Code.

As per allegation, three accused persons are alleged to

have stopped the informant's truck and they tried the driver to get

down from the truck and in the meantime, one of the miscreants

opened fire causing firearm injury to the driver of truck.

The main submissions advanced by the learned counsel

for the petitioner are that petitioner is not named in the FIR, mainly

on the basis of self statement, petitioner has been made accused in



this case. Considering the present situation, coordinate bench of this court granted privilege of bail to co-accused persons, namely, Vicky Kumar and Chotu @ Manish Singh and petitioner's case stands on similar footing with the said co-accused. Further submission is that after his arrest, petitioner was not put on TI parade and charge sheet has been submitted against him and no incriminating article connecting him with the alleged loot was recovered from his possession. Further submission is that against the petitioner there is criminal antecedent of two cases in which he is on bail.

Learned APP opposes the prayer for bail.

Having considered the above submissions and mainly petitioner's case being similar with above mentioned co-accused who have been considered for regular bail and in respect of involvement of the petitioner in the alleged crime, prosecution is mainly relying on the statement of the petitioner made before the police and his criminal antecedent as reflected from the order of the court below and accordingly, in the light of these facts petitioner deserves privilege of bail. Let the petitioner 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 the Chief Judicial Magistrate, Bhojpur at Ara in Koilwar P.S Case No. 95 of 2020 on 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 below



and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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