

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25927 of 2022

Arising Out of PS. Case No.-459 Year-2021 Thana- ARA NAGAR District- Bhojpur

Kariya @ Prasant Kumar Son Of Kamta Mahto R/O Village- Ibrahim Nagar,
P.S.- Ara Town, District- Bhojpur (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioner as well
as learned Additional Public Prosecutor for the State

Petitioner seeks bail in a case registered in connection with Ara Town P.S.Case No. 459 of 2021 for the offences punishable under Sections 302/34/120B of the Indian Penal Code and Section 27 of the arms Act.

As per the prosecution case, it is alleged that on 04.07.2021 while the informant was coming along with his brother Raju Yadav on different motorcycles after morning walk, all the FIR named accused persons surrounded them and allegedly co-accused Chhotu Mishra, Vipul Kumar and Golu Kumar made indiscriminate firing, which resulted into death of the brother of the informant. It is



further alleged that the petitioner and other four persons were also present there and worked as a liner in this crime.

It is submitted by the learned counsel appearing on behalf of the petitioner that from the tenor of the FIR, It is evident that there is no specific allegation of any overt act against this petitioner, rather the omnibus allegation has been attributed against him that he worked as a liner in the present crime. It is next submitted that even during the course of investigation, no other material has come, which suggests the complicity of the petitioner in the present crime and moreover, this petitioner is in custody since 14.07.2021 having fair antecedent.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that the petitioner is named in the FIR and it is alleged that he has worked as a liner in causing the murder of the brother of the informant and further more he has found involved in three other cases.

Having considered the submissions made on behalf of the parties and taking into consideration the nature of allegation as also the fact that the petitioner is in custody



since 14.07.2021 having fair antecedent and moreover, the investigation of the crime is completed and the charge sheet has been submitted in this case, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara, Bhojpur in connection with Ara Town P.S.Case No. 459 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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