

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28653 of 2022

Arising Out of PS. Case No.-226 Year-2019 Thana- BARH District- Patna

SANJEEV KUMAR @ BHEEM Son of Late Naresh Mahto Resident of
Village - Dargahi Tola, P.s.- Pandarak, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-08-2022 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 147/148/307 of the Indian Penal Code and Sections 25(1-b)a/27/35 of the Arms Act.

According to FIR, three motorcycle borne criminals came on three motorcycles and fired at the brother of the informant causing injury at the leg. One of the motorcycle borne criminals fled away leaving the motorcycle and others fled away along with motorcycles. Co-accused-Raja Kumar @ Jay Raj Kumar @ Jay Raj @ Raja was arrested by the people on chase



and from the possession of him, fire-arm and used cartridges were recovered.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that the name of the petitioner has been transpired on the basis of the confessional statement of co-accused, namely, Raja Kumar @ Jay Raj Kumar @ Jay Raj @ Raja. Further submits that it appears from the FIR that the specific allegation of firing is attributed against Raja Kumar @ Jay Raj Kumar @ Jay Raj @ Raja and there is general and omnibus allegation against the petitioner and said Raja Kumar @ Jay Raj Kumar @ Jay Raj @ Raja has already been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 23.01.2020 in Cr.Misc. No.49344 of 2019 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 20.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries ten more cases other than the present one.

Considering the fact 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 Barh P.S. Case No.226 of 2019, 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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