

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36858 of 2021

Arising Out of PS. Case No.-226 Year-2019 Thana- GWALPARA District- Madhepura

Sintu Kumar S/O Sri Ranvijay @ Sri Ranvijay Yadav R/O Village-Gwalpara,
P.S-Gwalpara, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Adv
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-01-2022 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 the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Gwalpara P.S.Case No.226 of 2019 registered for the offence under Sections 302,120B,379,34 of the IPC and Section 27 of the Arms Act.

The informant alleged that while he was returning to his village and when he reached near the land of Rajo Paswan,6-7 persons armed with firearms intercepted the informant and his nephew Ankush. The informant identified four persons including the petitioner in the light of motorcycle. It is alleged



that Sintu Kumar (petitioner) fired at the chest of Ankush. Thereafter Alok Kumar fired at Ankush causing eye injury. Then, Pranav Kumar also fired causing injury on the back of Ankush and Ankush succumbed to the injuries.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He further submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner was not present at the alleged place of occurrence. He further submits that the petitioner is 1st year student of Diploma in Ophthalmic Assistant. He further submits that the police, after investigation, submitted chargesheet on 15.03.2020. He further submits that the charge has been framed against the petitioner and other co-accused persons vide order dated 08.01.2021.

Vide order dated 15.12.2021, a report has been called for the stage of the trial vide letter No.55 dated 21.12.2021. A report has been received from the learned Additional District and Sessions Judge-IV, Madhepura in which he stated that out of nine witnesses, two have examined and the court has already issued summons to the rest of the witnesses and record is to running for prosecution evidence at present.

Learned counsel for the petitioner submits that co-



accused, namely, Navniti Kumar @ Chhotu and Dhruv Kumar Mandal @ Dhruv Mandal @ Uday Kumar have been granted bail vide order dated 14.12.2021 in Cr. Misc. No. 38404 of 2021 and vide order dated 17.03.2021 in Cr.Misc. No.40897 of 2020 respectively by a different Coordinate Benches of this Hon'ble Court. Petitioner is in custody since 22.12.2019.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 A.D.J.-VI, Madhepura in connection with Gwalpara 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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