

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29134 of 2022

Arising Out of PS. Case No.-867 Year-2021 Thana- FATUA District- Patna

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Pawan Kumar S/o Umesh Prasad R/o village- Mirzapur Nohata, P.S.- Fatuha,
District- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2022 Learned counsel for the petitioner is permitted to

remove the defects, as pointed out by the office, within a period

of four weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner is apprehending his arrest in a case

registered for the offences punishable under Sections 384, 302,

34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is that he along with

other co-accused persons opened fired upon the husband of

informant for demand of extortion money of Rs. 20,00,000/-

causing bullet injury as a result of which he died.

Learned counsel for the petitioner submits that the

petitioner has clean antecedents and he has been falsely



implicated in the present case. He further submits that from perusal of the F.I.R. it manifests that the specific allegation of assault or firing against co-accused persons namely Sanjay Kumar @ Bhonga, Randhir Kumar and Anjay Kumar. He further submits that there is no specific allegation of any assault or firing against the petitioner and in fact the petitioner is only member of a mob and the petitioner has no concern in the present occurrence.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Fatuha P.S. Case No. 867 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 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 witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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