

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29659 of 2022

Arising Out of PS. Case No.-451 Year-2021 Thana- RAJIVNAGAR District- Patna

Shankar Rai @ Shiv Shankar Kumar Son of Ram Sewak Singh Resident of
Village - Bhagwatipur, P.S. - Udwanthnagar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Binod 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 offences punishable under Sections 307, 120(B), 34 of the Indian Penal Code, Section 27 of the Arms Act and later on Section 302 of the Indian Penal Code was added.

As per allegation in the F.I.R., the informant namely Suman Kumar has alleged that on 12.10.2021 his wife had gone to Shiv Temple, Ram Nagari with her daughter Aruhi for worship and as she returned to her resident by Scooty at about 8:05 P.M. when she was entering through the gate of her apartment, two



accused persons wearing helmet came and shot fire to the wife, as a result whereof she died instantly.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely Bhim Kumar. He further submits that except the confessional statement of co-accused Bhim Kumar nothing has come during investigation against the petitioner and it transpires from the confessional statement of Bhim Kumar that co-accused Bishwakarma fired upon the deceased and the petitioner has no role at all with the alleged occurrence. He further submits that co-accused Sudesh Kumar @ Suddeshwar Singh has been granted bail by a Coordinate Bench of this Court vide order dated 18.08.2022 in Cr. Misc. No. 25848 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 04.01.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Rajeev Nagar P.S. Case No. 451 of 2021, 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 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)

Ibrar//-

U		T	
---	--	---	--

