

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31137 of 2022**

Arising Out of PS. Case No.-2 Year-2022 Thana- KOTWALI District- Munger

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Gaurav Kumar @ Bittu Mishra @ Bittu Son Of Jai Prakash Nath Kumar @
Jai Prakash Nath Resident Of Gulzar Pokhar, P.S.- Kotwali, District- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate Mr. Raunak Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Brajendra Nath Pandey, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 25-08-2022 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 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the allegation in the FIR, the informant, Kajal Devi has alleged that accused Karu Kumar shot on the chest of her husband while Uttam Mishra @ Deepak Mishra fired second bullet on her husband's head. She has also named Ranjit Yadav, although no role has been assigned to him. She further alleged



that they jointly were cause for the death of her husband.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact the petitioner is not named in the FIR and it transpires from the FIR that the allegation of firing is against co-accused persons, namely, Uttam Mishra @ Deepak Mishra and Karu Kumar and the name of the petitioner has been transpired during investigation only on the basis of suspicion. Further submits that the similarly situated co-accused person, namely, Saurav Kumar @ Saurv Sah has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 05.08.2022 passed in Cr. Misc. No.26059 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 04.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents 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/-(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 Kotwali



(Basudevpur) P.S. Case No. 2 of 2022, 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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