

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32404 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- BANGAWON District- Saharsa

Paras Kumar @ Parash Kumar S/o Satya Narayan Mehta @ Nunulal Mehta
@ Satya Narayan Mehto @ Satya Narayan Mahto Resident of Village - Murli
Basntpur Ward No.-13, P.S. Bangaon, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-09-2022 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 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per F.I.R., the informant alleged that co-accused Hariom Kumar called his elder brother namely Uday Kumar (deceased) on phone to join the Vijay Julus. The brother of the informant went to the house of co-accused to participate in Vijay Julus of Panchayat Election result. Thereafter, petitioner with his friends took him to the road and one of his friend namely Prabhakar Kumar having picked up pistol from his waist shot fire



at the chest of the brother of informant. The information regarding the occurrence was communicated by Mithu Kumar telephonically to the informant and the informant having reached the place of occurrence saw his brother injured and took him to the Sadar Hospital, Saharsa with the help of the villagers where the doctor declared him to be dead.

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 the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation. He further submits that it appears from the F.I.R. that there is specific allegation of firing and causing death is against co-accused namely Prabhakar Kumar,. He further submits that no cogent material has come during investigation against the petitioner and the co-accused person namely Hariom Kumar @ Nanhku has been granted bail by this Court vide order dated 10.05.2022 in Cr. Misc. No. 12796 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.10.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases 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 Sessions Trial No. 82 of 2022 arising out of Bangaon P.S. Case No. 129 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.

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(Rajesh Kumar Verma, J)

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