

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46236 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- PANDARAK District-
Patna

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Arun Kumar @ Arun Yadav Son of Baiju Yadav Resident of Village -
Gowasa Sheikhpura, Police Station - Pandarak, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Arun, Advocate

For the State : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-04-2022 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, 120(B)/34 of the Indian Penal Code
and Section 27 of the Arms Act.

As per prosecution case, in brief, it is alleged by the
informant namely Raj Roy on 08.04.2021 at 8:00 P.M. his father was
sitting on his gate. In the meantime, accused Siyaram Prasad, Ravi
Kumar, Chhotu Kumar, Sanjay Kumar, Ravi Kumar S/o Bharat Prasad,
Mukesh Kumar, Pankaj Kumar and Arun Kumar arrived there armed
with weapons and without any reason started abusing. On protest,
Siyaram Prasad told that "Sale ko goli maar do" and Sanjay Kumar shot



fire upon his father which hit on his leg as a result of which blood started oozing. With the help of others the informant's father brought to S.D.H. Barh for treatment where he was referred to P.M.C.H., Patna for better treatment where he died.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Further submits that it appears from the F.I.R. the specific allegation of firing is against co-accused Sanjay Kumar. He further submits that there is general and omnibus allegation of firing and assault against the petitioner and police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.04.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four 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 Pandarak P.S. Case No. 40 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 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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