

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.36432 of 2022**

Arising Out of PS. Case No.-164 Year-2021 Thana- SAHEBPUR KAMAL District-  
Begusarai

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SUDHIR KUMAR S/O RAMAVILAS SAH Resident of village- Kurha, P.S.-  
Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shubhesh Pandey  
For the Opposite Party/s : Mr.Dashrath Mehta

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY  
ORAL ORDER**

2      18-10-2022                      Let the defect(s), as pointed out by the office, be  
  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with Sahebpur  
Kamal P.S. Case No. 164/2021 registered for the offences  
punishable under Sections 120 (B), 326, 307 of the Indian Penal  
Code.

As per prosecution case, co-accused, Rajesh Rai and  
one unknown person were on a motorcycle. It is further alleged  
that co-accused, Rajesh Rai fired upon the father of the  
informant due to which informant's father sustained injury and  
fell down unconsciously.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. During course of investigation, the name of petitioner sprang up in this case on the basis of confessional statement of co-accused, Rajesh Rai. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. As a matter of fact in the entire case records there is absolutely no material against the petitioner to connect him with the present case but only due to previous cases he has been made accused due to the reason that the petitioner's family has inimical term with the injured and informant's family. The petitioner is languishing in custody since 09.03.2022 and bears criminal antecedent of four cases out of which in two cases he has been acquitted. Occurrence took place on 10.07.2021 at about 9.30 O'clock and FIR lodged on 12.07.2021 at 11.30 PM, which is nothing but an afterthought which creates doubt over the prosecution story. He further submits that as per FIR, it appears that co-accused, Rajesh Rai fired upon the father of informant and one another unidentified person came on motorcycle, except two there is no any description of third person. Learned counsel for the petitioner further submits that



one another unidentified (co-accused, Jyotish Kumar) has already been granted bail by the learned court below as mentioned in Annexure-2 of the bail petition. At the present juncture the petitioner is not in any way connected with the alleged occurrence as per FIR.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Sahebpur Kamal P.S. Case No. 164/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

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