

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47875 of 2021

Arising Out of PS. Case No.-254 Year-2017 Thana- BAKHTIYARPUR District- Patna

GAURAV KUMAR Son of Sofendra Paswan Resident of Village- Belthan,
P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 16-05-2022 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.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

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, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the F.I.R., it has been alleged by the informant Deepak Kumar on 06.07.2017 at about 9:00 P.M. his father Dileep Kumar went for collection of money of selling



rice in the market his neighbour Chintu Kumar along with some miscreants started firing and the local police took his father to Bakhtiarpur Hospital for treatment and referred to P.M.C.H. Patna where he died.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. Name of the petitioner has been transpired on the basis of confessional statement of co-accused, namely, Govind Lal and other co-accused and nothing has come during investigation against the petitioner and there is no eye witness of the alleged occurrence and the petitioner has no concern with the father of the informant or the informant. He further submits that the similarly situated several co-accused persons, namely, Parem Kumar @ Dhananjay Kumar @ Dhananjay Yadav @p.k.yadav @ Prem Kumar has been granted bail vide order dated 21-04-2022 in Cr. Misc. No.54670 of 2021, Gobinda @ Goga has been granted bail vide order dated 06-04-2022 in Cr. Misc. No.71806 of 2021 and Gautam Kumar @ Gautam Ram has been granted bail vide order dated 29.03.2022 in Cr. Misc. No.50307 of 2021 by this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 08.03.2021.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries twelve 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/- (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 Bakhtiyarpur P.S. Case No. 254 of 2017, 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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