

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50157 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- PIPRA District- Supaul

SHARBAN KUMAR Son of Chotkan Das Resident of Village - Laxmipur
Bhagwati, Police Station - Srinagar, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2022 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 the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 398, 302, 307 and 120(B) of the Indian Penal Code and Section 25(1-b)A, 27 and 35 of the Arms Act.

The prosecution case, in short is that six unknown criminals entered into the shop of his son Govind Kumar and started looting on the point of fire arms and on protest culprit fired which hit on the chest of the son of informant.

Learned counsel for the petitioner submits that the petitioner is not named in the First Information Report. It is



further submitted that name of the petitioner transpired on the basis of the confessional statement made before the police by co-accused persons namely, Shambhu Sah and Santosh Sharma, which has no evidentiary value. It is further submitted that nothing has been recovered from the conscious possession of the petitioner. It is further submitted that statement of the son of the informant recorded but he had not taken the name of the petitioner. It is further submitted that police after investigation submitted charge sheet and the petitioner is in custody since 18.02.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above name, 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 Pipra P.S. Case No. 33 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/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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