

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44973 of 2022

Arising Out of PS. Case No.-334 Year-2021 Thana- BARHARIA District- Siwan

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BINOD KUMAR @ BINOD KUMAR PRASAD SON OF MOTILAL
MAHTO R/O VILLAGE- SAWNA, P.S.- BARHARIA, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mrs.Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2022 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
Barharia P.S. Case No. 334 of 2021 registered for the offences
punishable under Section 394 of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution case, the informant moved from
motorcycle from the shop of his owner, one the way one person
alongwith his two friends came on motorcycle and fired over the
wheel of informant's motorcycle by the pistol which went away.
The said person again fired causing bullet injury over right side
of informant's chest. The accused persons snatched rupees sixty



thousand from the wallet of informant and a mobile phone by assaulting him.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been surfaced in this case upon confessional statement of co-accused Vivek Kumar Singh as facilitator of the alleged occurrence. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Learned counsel specifically submits that no TIP was conducted up till now. Petitioner is in custody since 23.06.2022 and bears criminal antecedent of two cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Siwan in connection with Barharia P.S. Case No. 334 of 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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