

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54833 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- BACHHWARA District- Begusarai

Kusum Yadav @ Kusum Pahalman Son of Late Sitaram Yadav Resident of
Village- Dargahi Tola, P.S.- Pandarak, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-03-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused in connection with Bachhwara P. S. Case No. 83 of 2020 registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that on 12.05.2020, the younger brother of the informant Sanjeet Kumar has gone to see the fodder but he did not return back. It is alleged that at about 11.00 P.M. one Guddu Kumar, neighbour of the informant, has informed him that his brother has been shot dead by unknown person.



It has been submitted by the learned counsel for the petitioner that the F.I.R was instituted against unknown person and the name of the petitioner transpired on the confessional statement of co-accused Hemant Rai and he also draws the attention of this Court to the impugned order and submitted that from bare perusal of the impugned order, it appears that though in several paragraphs, it has come that the prosecution case has been found true but it is nowhere stated with regard to the complicity of the petitioner. It is next submitted that the co-accused Hemant Rai, on whose confession the name of the petitioner has transpired, has already been granted bail by the co-ordinate bench of this Hon'ble Court in Cr. Misc. No. 14381 of 2021 vide order dated 29.09.2021.

On the other hand, learned APP for the State opposes the bail application of the petitioner and has drawn the attention of this Court to the impugned order that during the course of investigation, the prosecution case has been found true.

Having considered the rival submissions of the parties, and taking into account the fact that the name of the petitioner has come on the confessional statement of Hemant Rai who has already been granted bail by the co-ordinate bench of this Hon'ble Court, let this petitioner, above named, be



released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai connection with Bachhwara P. S. Case No. 83 of 2020, subject to the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without cogent reason, his bail bonds shall be cancelled by the Court below.

(b) 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.

(Harish Kumar, J)

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