

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44959 of 2022

Arising Out of PS. Case No.-441 Year-2022 Thana- BIHTA District- Patna

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SHUBHAM KUMAR SAO @ SHUBHAM KUMAR SON OF BHOLA SAO
@ BHOLA KUMAR GUPTA R/O VILLAGE- RAGHOPUR, P.S.- BIHTA,
DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Patel

For the Opposite Party/s : Mr.Shyameshwar Dayal

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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 Bihta
P.S. Case No. 441 of 2022 registered for the offences punishable
under Sections 307, 34, 120(B) of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution case, it is alleged that petitioner
alongwith five other persons hatched conspiracy for committing
the murder of informant.

Learned counsel for the petitioner submits that
petitioner is in custody since 12.05.2022 and bears no criminal



antecedent. Petitioner is quite innocent and has falsely been implicated in this case. He further submits that petitioner is student and is residing in hostel in Patna and doing preparation for competitive examination and he is also enrolled in Chanakaya IAS Academy, Patna as a student which is evident from Annexure-2 of the bail petition. There is no specific overt-act against the petitioner. Specific allegation of firing is attributed to co-accused Kallu and Daya. The only allegation against the petitioner is that he hatched the conspiracy. Nothing has been recovered from possession of the petitioner. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 **after framing of charge** 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, 1st Danapur in connection with Bihta P.S. Case No. 441 of 2022, 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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