

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48433 of 2022

Arising Out of PS. Case No.-130 Year-2020 Thana- MAHISHI District- Saharsa

SUMAN VERMA @ SUMAN SAURAV Son of Sri Ratan Kumar Lal
Resident of Village - P.O. and P.s.- Bangon, Distt.- Saharsa at Present residing
in house of Sri Raju Sada, Refugee Colony, Ward No.06, P.s.- and Distt.-
Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-12-2022 Heard Mr. Diwakar Prasad Singh, learned counsel

for the petitioner and Mr. Ashok Kumar Singh, learned

Additional Public Prosecutor appearing for the State through

video conferencing.

Petitioner seeks regular bail in connection with

Sessions sTrial No. 223 of 2021 arising out of Mahishi P.S. Case

No. 130 of 2020 registered for the offences punishable under

Sections 147, 148, 149, 302 of the Indian Penal Code 1860 and

Section 27 of the Arms Act. Subsequently, Section 25(1-B)a, 26

and 35 of the Arms Act.

As per the First Information Report, while the

informant along with his younger brother was on his way on a

Motorcycle, eight named accused persons including the



petitioner and five unknown persons fired upon the informant's brother, due to which, he died.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to village rivalry. He next submits that the allegation of firing is upon eight persons whereas in the postmortem report, only one gun shot injury has been found by the Police. He also submits that other similarly situated co-accused persons have been granted bail by co-ordinate Benches of this Court in Cr. Misc. 16503 of 2021, 18469 of 2021, 44321 of 2021 and 5985 of 2022 respectively, which would be evident from Annexure-3 series. The petitioner is in custody since 28.9.2020, charge sheet has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidence.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that similarly situated co-accused persons have been granted bail by co-ordinate Benches of this Court, petitioner is in custody since 28.9.2020, charge sheet has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant



regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV at Saharsa, in connection with Sessions Trial No. 223 of 2021 arising out of Mahishi P.S. Case No. 130 of 2020 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

