

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.50522 of 2022**

Arising Out of PS. Case No.-77 Year-2022 Thana- KISHUNPUR District- Supaul

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BHAVESH KUMAR @ BHAWESH KUMAR S/o Birendra Kamat R/o
village- Ratanpura, P.S.- Kashanpur, District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Amit Anand, Advocate
For the State	:	Ms.Suman Kumari Singh, APP
For the Informant	:	Mr. Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 23-12-2022 Learned counsel for the petitioner undertakes to
remove the SR defects by 16th January, 2023.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Kishanpur P.S. Case No. 77 of 2022
registered for the offences punishable under Section 307, 302,
120(B) and 34 of the Indian Penal Code and 27 of the Arms Act.
He is in custody since 24.02.2022 having no criminal antecedent
as stated in paragraph ‘3’ of the application.

Learned counsel for the petitioner submits that as per
prosecution story, 5-6 named accused persons came at the door
of the informant where the co-accused Subhas Yadav had fired
from his pistol which hit the son of the informant and he



ultimately died.

Learned counsel for the petitioner submits that in the case diary which has been noticed by the learned court below it has come that in course of investigation only one empty cartridge was found on the spot. Learned counsel submits that it is a case of false implication by adding name in the F.I.Rs. There is no specific allegation against the petitioner and there is no allegation that he was armed with any weapon. According to him, at best the petitioner was allegedly present at the spot. He is a co-villager and save and except that there is no allegation against him.

Learned counsel for the informant has opposed this application saying that the petitioner was also present during the occurrence and that shows the motive.

Learned A.P.P. for the State has also opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case particularly that in the order of the learned Sessions Judge, Supaul materials present in the case diary have been duly discussed and the allegations against the petitioner is that of his mere presence on the spot, there being no specific allegation of commission of any overt act and no criminal antecedent of the



petitioner as also he has remained in custody in connection with this case for more than one and half years and by this time the investigation against him is complete, therefore this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Kishanpur P.S. Case No. 77 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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