

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60782 of 2021**

Arising Out of PS. Case No.-560 Year-2019 Thana- DANAPUR District- Patna

RISHI KUMAR Son of Vijay @ Dara Singh Resident of Village - Shiv
Mandir Saguna Nadipar, P.s.- Danapur, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 25-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Danapur P.S. Case No. 560/2019 registered for the offences punishable under Sections 302, 384, 385, 386, 307, 120B, 379/34 of the IPC and 27 of the Arms Act.

The case of the prosecution, as per the informant is that the husband of the informant had purchased a piece of land in the year 2013 from Ranjan Kumar and Soni Devi and on that land, one Gorakh Kumar was also partner and for the ownership of the land, a case was going on in the court below and prior to



few days before the occurrence, the said case was decided in favour of prosecution party and when the informant and her husband along with others went to see the construction of boundary wall on the said land, about 20 to 25 persons came there and stopped them from doing construction work and when husband of informant objected, scuffle took place between the parties and accused persons resorted to firing and in the said firing one person from the informant side died and another received serious injury and it is alleged that petitioner was also actively involved in the occurrence.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR that at best the petitioner can be said to be member of the group. He further submits that there is general and omnibus allegation against all the accused persons including the petitioner. There is no specific allegation of overt-act against the petitioner. He further submits that co-accused Vidhan Rai has been granted bail by a co-ordinate Bench of this court vide order dated 20.01.2020 passed in Cr. Misc. No. 3118 of 2020. Similarly, co-accused Bindeshwar Rai @ Ghantu Pahalwal has



been granted bail by a co-ordinate Bench of this court vide order dated 08.01.2020 passed in Cr. Misc. No. 61804 of 2019. Similarly, co-accused Manjay Rai @ Manjay Gope has been granted bail by a co-ordinate Bench of this court vide order dated 17.03.2020 passed in Cr. Misc. No. 80062 of 2019. Similarly, co-accused Navin @ Nibhia @ Navin Sharma has been granted bail by a co-ordinate Bench of this court vide order dated 27.05.2020 passed in Cr. Misc. No. 81027 of 2019. Similarly, co-accused Dipu Rai has been granted bail by a co-ordinate Bench of this court vide order dated 24.09.2021 passed in Cr. Misc. No. 4610 of 2021 whereas petitioner is in custody since 16.07.2019.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Danapur P.S. Case No. 560/2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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.

(Rajesh Kumar Verma, J)

shahzad/-

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

