

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63235 of 2021**

Arising Out of PS. Case No.-329 Year-2019 Thana- MANIYARI District- Muzaffarpur

PAWAN KUMAR SON OF BAIJANATH BHAGAT Resident of Village -
Susta Madhopur, P.S.- Sadar, Distt.- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Adv
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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

4 28-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302,392 and 34 of the IPC and Section 27 of the Arms Act.

As per the prosecution case, four unknown miscreants riding on two motorcycles suddenly surrounded the informant and his father when they were returning to their house, and fired on them as a result of which father of the informant sustained injury in the right hand. Miscreants took away their wallet containing about Rs.800/- to Rs.900/-. Father of the informant



died during course of treatment.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. Name of the petitioner has been transpired only on the basis of confessional statement of co-accused, namely, Deepak Kumar. He further submits that during investigation nothing has come against the petitioner. He further submits that the similarly situated co-accused, namely, Arvind Rai has been granted bail vide order dated 23.07.2021 in Cr. Misc. No.20147 of 2021 by a Coordinate Bench of this Hon'ble Court and the police after, investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 15.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eight more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Maniyari Police Station Case No. 329 of 2019, with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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)

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