

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64648 of 2021

Arising Out of PS. Case No.-142 Year-2019 Thana- SHEOHAR District- Sheohar

Raju Kumar @ Prabhushan Kumar, S/O Devshankar Singh, Resident of
Village-Kushhar, P.S.-Tariyani, District-Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-04-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Sessions
Trial No.45 of 2020 arising out of Sheohar P.S. Case No.142 of
2019 registered for the offence punishable under Sections 307,
34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant has alleged that two persons have
taken food in his restaurant and on demand for payment, was
infuriated. They have left the restaurant only to return later with
arms. One of the two persons has allegedly fired which hit the
thigh of the informant.

Petitioner's counsel submits that allegations are
against unknown persons. The petitioner has been implicated
based on confessional statement of one Rajesh Kumar Mandal,



who is said to be co-accused. Petitioner's implication is based merely on confessional statement of co-accused recorded in police custody and he has been implicated because he has four criminal antecedents. He continues to be in custody since 22.01.2020 i.e., more than two year. Prayer is made on the ground of parity with co-accused Rajesh Kumar Mandal, who has been allowed bail in Cr.Misc. No.24592 of 2021 under order dated 23.08.2021.

Learned APP for the State has opposed the prayer for bail. It is submitted that there is allegation of firing upon the informant and the petitioner has antecedents also.

The Court has considered the rival submissions and finds that the petitioner's claim on ground of parity with Rajesh Kumar Mandal is sustainable, as there appears to be no material difference between the case of Rajesh Kumar Mandal with that of the petitioner. If at all the petitioner's case may be better since Rajesh Kumar Mandal was allowed bail in August, 2021 itself, whereas the petitioner has remained in custody till now. Prayer for bail of the petitioner is allowed.

Accordingly, 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 the learned Sessions Judge, Sheohar, District-Sheohar, in connection with Sessions Trial No.45 of 2020 arising out of Sheohar P.S. Case No.142 of 2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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