

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54694 of 2022**

Arising Out of PS. Case No.-101 Year-2022 Thana- MADHEPURA District- Madhepura

Jyotish Kumar S/o Vakil Yadav Resident of Village- Jhitakiya, Ward No.7,
P.S.- Madhepura (Gheladh O.P.), District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party : Mr. Navin Kumar Pandey, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Heard learned counsel for the petitioner and Mr.
Navin Kumar Pandey, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Madhepura (Gheladh O.P.) P.S. Case No. 101 of 2022 registered for the offences punishable under Sections 307 and 394 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 31.05.2022. He has one criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, one Chhotelal Mehta alleged that on 02.02.2022, when his son namely Tofan Kumar was returning to his house via Baijnathpur, two unknown miscreants on a red Apache Bike near a bridge at Baijnathpur and Ghailad border on the point of pistol asked him to give the key of his bike and his



purse. When the son of said Chhotelal denied to give the same, the two miscreants fired which hit the bottom portion of the left shoulder of his son.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is in custody since 31.05.2022.

Learned counsel submits that the petitioner is not named in the FIR, his name has transpired in the confessional statement of the co-accused Mukesh Kumar. It is also submitted that till date no test identification parade has been conducted.

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

Having regard to the facts and circumstances of the case wherein it is stated that the petitioner is not named in the FIR, his name has transpired in the confessional statement of the co-accused Mukesh Kumar but the petitioner has not been put on Test Identification Parade and has not been identified by the informant till date, he has remained in custody in connection with this case since 31.05.2022, investigation against him is complete and his presence may be secured in course of trial, 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 C.J.M., Madhepura in connection with Madhepura (Ghailadh O.P.) P.S. Case No. 101 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

lekhi/-

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

