

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65908 of 2021

Arising Out of PS. Case No.-396 Year-2021 Thana- ARA NAGAR District- Bhojpur

PRINCE KUMAR @ BABA Son of Tapeswar Nath Upadhaya Resident of
Mohalla - Shantinagar, P.S.- Ara Nagar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Ara
Town P.S. Case No. 396 of 2021 registered for the offences
punishable under Section 302/34 of the IPC.

As per prosecution case, petitioner alongwith other
accused persons came on motorcycle, surrounded the
informant's son and abused him and it is further alleged that co-
accused Ritik fired on informant's son by his pistol which
straightway hit the temple of the informant's son upon which he
fell down. It is further alleged that co-accused Naitik Kumar
also made firing on informant's son which hit his right hand.



Thereafter, the friends of the victim took him to Sadar Hospital, Ara, where he was declared dead.

Learned counsel for the petitioner submits that petitioner is in custody since 31.08.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no specific allegation against the petitioner. He was only driving the motorcycle which was used in alleged occurrence. He is just a member of mob. He further submits that similarly situated co-accused Amritanshu Kumar and Rohit Singh have already been granted bail vide Cr. Misc. No. 65624 of 2021 and Cr. Misc. No. 5698 of 2022 respectively by co-ordinate bench of this Court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner



above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 396 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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