

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4071 of 2023

Arising Out of PS. Case No.-64 Year-2022 Thana- MEHANDIGANJ District- Patna

RAJAN KUMAR @ BHANTUL SHARMA @ BHANTUL Son of
Vishwanath Vishwakarma @ Vishwanath Mistry Resident of Mohalla-
Bhaisani Tola, P.S.- Malsalaami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Usha Kumari Singh, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Mehandiganj P.S. Case No. 64 of 2022 dated 17.04.2022
registered for the offence under Sections 302, 120(B), 506
and 34 of the Indian Penal Code and Section 27 of the Arms
Act.

The petitioner is alleged to have opened fired in
the sky in order to create panic situation so as to provide
help to his companion who allegedly fired upon the
deceased, who died on the spot.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. He further submits that it appears from the F.I.R. that the specific allegation of firing is attributed to the co-accused, Suraj Kumar and Mukesh Kumar upon the deceased, who died on the spot. He further submits that the petitioner has not inflicted any gunshot injury to the deceased nor any allegation of firing upon the deceased is attribute to him. He further submits that the petitioner at best can be said to be a member of unlawful assembly. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 01.06.2022.

Learned A.P.P. for the State on the basis of material available on record opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Judicial Magistrate-1st Class, Patna City in connection with Mehandiganj P.S. Case No. 64 of 2022 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 canceled 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)

brajesh/-

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

