

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6628 of 2023

Arising Out of PS. Case No.-334 Year-2020 Thana- AWTARNAGAR District- Saran

RAJU KUMAR Son of Lal Babu Mahto R/o Village- Jagdishpur P.S-
Doriganj, Dist- Saran Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
12.09.2022 in connection with Awatarnagar P.S. Case No. 334
of 2020, F.I.R. dated 11.12.2020 for the offences punishable
under Sections 394, 511 of the Indian Penal Code.

According to prosecution case, as per written report of
the informant namely, Vivekanand alleging therein that on
11.12.2020 at about 6:30 P.M. when he was returning from
Dighwara Hospital on a motorcycle where his relative was
admitted. In the way, he was intercepted a motorcycle borne
three unknown culprits who had covered their face. They
demanded the key of motorcycle and on denial, one of them
shot fired with country made gun which hit on the leg of the
informant.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of self confessional statement of the petitioner and nothing has been recovered from the conscious possession of the petitioner. He further submits that except the self confessional statement of the petitioner no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that till date no TIP has been conducted by the prosecution. He further submits that the petitioner remanded in this case from Dariganj P.S. Case No. 219 of 2020 on 12.09.2022. He further submits that the police after investigation submitted the charge sheet against the petitioner.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedent other than the present one and the petitioner is on bail in all the cases as mentioned in para-3 of the bail petition.

Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Saran at Chapra in connection with Awatarnagar P.S. Case No. 334 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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