

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8588 of 2023

Arising Out of PS. Case No.-294 Year-2022 Thana- PATRAKARNAGAR District- Patna

KAUSLENDER KUMAR @ SANJAY @ SRI DEVI S/o - KOLESHWAR
SINGH @ KAULESHWAR PRASAD SHARMA R/o Village- Neema, P.S.-
Dhanarua, P.O.- Nandwan, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Adv. Mr. Vardaan Mangalam, Adv. Ms. Ritika Rani, Adv. Mr. Rituraj, Adv.
For the Opposite Party/s :		Mr. Anil Kumar, APP
For the Informant	:	Mr. Satish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Learned counsel for the petitioner is permitted to make necessary correction in paragraph-1 of the bail petition during course of day.

Heard Mr. Dinu Kumar, learned counsel for the petitioner, Mr. Satish Kumar, learned counsel for the informant and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 22.06.2022 in connection with S. Tr. No. 1312/2022, arising out of Patrakar Nagar P.S. Case No. 294/2022, dated 01.06.2022, for the offences punishable under Sections 302, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.



According to prosecution case, while the uncles of the informant, namely, Shambhu Kumar and Gautam Kumar were returning from work on a motorcycle, co-accused persons, namely, Sanjay Singh and Ranjay Kumar were also coming on a motorcycle and started firing on them, due to which Gautam Kumar died on the spot and Shambhu Kumar died in the hospital. It is also alleged that in the said occurrence, the petitioner along with other co-accused persons were also involved.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that from bare perusal of the F.I.R. it appears that the informant has given the name of two persons, namely, Sanjay Singh and Ranjay Kumar, who fired upon the deceased. He further submits that there is no specific allegation of any assault or overt act attributed against the petitioner rather the name of the petitioner has come that the petitioner has conspired in the present occurrence due to previous dispute between the parties. He further submits that similarly situated co-accused, namely, Bablu Kumar @ Harendra Kumar @ Ravi Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 19.06.2023 passed



in Cr. Misc. No. 4189/2023 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 22.06.2022.

Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the involvement of the petitioner has come during investigation in paragraph 64 of the case diary. He further submits that the petitioner has carried one criminal antecedent other than the present one, as per supplementary affidavit filed on behalf of the petitioner.

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 Additional Sessions Judge-XI, Patna in connection with Patrakar Nagar P.S. Case No. 294/2022, arising out of S. Tr. No. 1312/2022, 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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