

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11366 of 2023**

Arising Out of PS. Case No.-39 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Harash Kumar @ Harsh Kumar, Son of Manoj Yadav @ Manoj Gop,  
Resident of village - Ghagha Gali, P.S.- Chowk, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. S. K. Lal, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      04-05-2023                      Heard Mr. S. K. Lal, learned counsel appearing on  
behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sessions Trial No. 1170 of 2022 arising out of Chowk P.S. Case No. 39 of 2022 registered for the offence punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on the fardbeyan of the informant, alleging therein, that her husband went to ‘Mangal Talab’ on 24.01.2022 and when he did not return, the informant went to the pond and, thereafter, she came to know from Badal Ram that co-accused Anil Kumar, Vikash Kumar @ Gunga and the petitioner has caused firearm injury and he was taken to



NMCH, where in course of treatment he died.

Submission has been made on behalf of the petitioner that the present FIR has been instituted on the basis of the statement of a hearsay witness, merely on suspicion, and there is no other material suggesting the complicity of the petitioner. He next submits that neither any incriminating material has been recovered from the possession of the petitioner nor during the course of investigation any material has come against the petitioner, apart from the fact that co-accused Anshu Kumar, against whom there is similar allegation has been allowed the privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 70725 of 2022 vide order dated 04.01.2023. He next submitted that on being surrendered in the present case, the petitioner has been remanded in other three criminal cases and in this way the petitioner has been made accused in altogether eight criminal cases. He lastly submits that now the petitioner is in custody for over a period of one year and the charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying eight criminal cases over his head and he is named in the FIR with an allegation of causing fire upon the



deceased.

Regard being had to the submissions made on behalf of the parties and considering the fact that the FIR has been instituted on the basis of hearsay witness, coupled with the fact that other co-accused persons having similar allegation, have been allowed the privilege of bail, coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – IV, Patna City in connection with Sessions Trial No. 1170 of 2022 arising out of Chowk P.S. Case No. 39 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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