

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11587 of 2023

Arising Out of PS. Case No.-101 Year-2022 Thana- BHAGWANPUR District- Begusarai

SHIVAM KUMAR S/O Dharmendra Roy @ Dharmendra Kumar Roy R/O
village- Dahiya, Ward No- 08, P.S- Bhagwanpur, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 12889 of 2023

Arising Out of PS. Case No.-101 Year-2022 Thana- BHAGWANPUR District- Begusarai

RAJAN KUMAR Son of Shankar Sah R/v- Rasalpur, P.S.- Bhagwanpur, Dist-
Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11587 of 2023)

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 12889 of 2023)

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
21.12.2022 and 24.12.2022 in connection with Bhagwanpur P.S.
Case No. 101 of 2022, F.I.R. dated 02.06.2022 for the offences
punishable under Sections 302, 201/34 of the Indian Penal Code



and Section 27 of the Arms Act.

According to prosecution case, some unknown miscreants killed the son of the informant after making shot fire and thereafter concealed his dead body in the well.

Learned counsel for the petitioners submits that petitioner namely, Shivam Kumar carries one criminal antecedent other than the present one and petitioner namely, Rajan Kumar carries two criminal antecedents other than the present one. He further submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that petitioners are not named in the F.I.R. and the name of these petitioners have been transpired during investigation on the basis of information given by the Spy. He further submits that nothing has come during investigation to suggest the involvement of the petitioner in the alleged occurrence, except the information given by the Spy and the statement of the mother of the deceased was recorded, in which she has also raised the suspicion against the petitioner. He further submits that similarly situated, co-accused, namely, Chhotu Kumar @ Chhotu @ Rishabh Rai @ Rishabh Kumar has been granted bail by this Court vide order dated 03.05.2023 passed in Cr. Misc. No. 64991 of 2022 and another co-accused namely, Priyanshu



Kumar has been granted bail by a coordinate Bench of this Hon'ble Court vide order dated 01.05.2023 passed in Cr. Misc. No. 74492 of 2022. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 21.12.2022 and 24.11.2022 respectively.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner namely, Shivam Kumar carries one criminal antecedent and petitioner namely, Rajan Kumar carries two criminal antecedents other than the present one but fairly submits that petitioner namely, Rajan Kumar is on bail in both the cases as mentioned in Para-3 of the bail petition.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st, Begusarai in connection with Bhagwanpur P.S. Case No. 101 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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