

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10488 of 2023

Arising Out of PS. Case No.-148 Year-2022 Thana- NAYA RAM NAGAR District- Munger

BIKAS KUMAR S/O Ashok Sharma R/O Village- Daulatpur Railway
Colony, P.S- Jamalpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jyoti Ranjan Jha, Advocate
For the Informant	:	Mr. Dharendra Nath Jha, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
09.08.2022 in connection with Nayaram Nagar P.S. Case No.
148 of 2022, F.I.R. dated 07.08.2022 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, the co-accused persons
and four unknown miscreants took out pistol from their waist
and started firing indiscriminately which hit on the head,
stomach and back on the husband of the informant leading to his
death.



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 except the self confessional statement of the petitioner, no other cogent material has come to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Bijay Kumar @ Vijay Kumar @ Raushan Kumar against whom the similar allegation has been granted bail by a co-ordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. Misc. No. 9043 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 09.08.2022.

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one, in which petitioner is on bail in all the cases. Learned counsel for the informant further submits that petitioner has confessed his guilt in his confessional statement that he has



fired upon the victim.

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 A.C.J.M. 1st, Munger in connection with Nayaram Nagar P.S. Case No. 148 of 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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