

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14601 of 2023

Arising Out of PS. Case No.-455 Year-2020 Thana- PATLIPUTRA District- Patna

SHASHANK BHANU Son of Manoj Kumar @ Manoj Kumar Singh
Resident of Village - Dhibara Ghani, P.S.- Barhare Kothi, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 04.08.2022, in connection with Sessions Trial No. 1418 of 2022 arising out of Patliputra P.S. Case No. 455 of 2020, F.I.R. dated 04.12.2020 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, in short, is that while the informant and her husband were sitting in the house, petitioner along with three other co-accused persons came there on two motorcycles, co-accused Simant Kumar @ Bittu took out a pistol from his waist and fired 5-6 round on the husband of informant, as a result of which he received fire-arm injuries and during course of treatment died.



Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation only on the basis of confessional statement of co-accused person namely Simant Kumar @ Bittu. He further submits that from bare perusal of the F.I.R. it appears that co-accused Dilip Kumar is the order giver and co-accused Simant Kumar @ Bittu is the main assailant in the present case and there is no allegation of any assault or overt act against the petitioner. He further submits that co-accused person namely Dilip Kumar has been granted bail by this court vide order dated 05.10.2021 passed in Cr. Misc. No. 39618 of 2021 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Sessions Judge-XVII, Patna in connection with Sessions Trial No. 1418 of 2022 arising out of Patliputra P.S. Case No. 455 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 witness, 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

