

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12621 of 2023

Arising Out of PS. Case No.-707 Year-2022 Thana- KHAJANCHI HAT District- Purnia

Saurabh Kumar @ Sourabh Kumar @ Raja Son Of Ashok Yadav R/O Village-
Kali Prasad Tola, P.S.- K. Hat (MADHUBANI), District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Dr. Bidhu Ranjan, Advocate
		Ms. Diksha Kumari, Advocate
		Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2023 Heard Mr. N.K. Agrawal, learned senior counsel for

the petitioner and learned Additional Public Prosecutor for the

State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
24.08.2022 in connection with K. Hat P.S. Case No. 707 of
2022, F.I.R. dated 17.07.2022 for the offences punishable under
Sections 392, 302/34 of the Indian Penal Code.

According to prosecution case, two miscreants on bike
have fired upon the brother of the informant due to which he



sustained injuries and died during treatment. It is further alleged that the those two persons have also snatched the mobile phone of the brother of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been 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 on the basis of the disclosure made by the spy. He further submits that thereafter, the petitioner and other accused persons were apprehended and according to the paragraph no. 42 and 43 of the case diary, the statement of the accused persons, namely, Gaurav Kumar and Saurabh Kumar @ Raja has been recorded by the police in which they have clearly stated that the co-accused, namely, Amrit Raj has fired upon the victim. He further submits that they also disclosed that the petitioner was driving the motorcycle in question and except the confessional statement of the accused persons, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Amrit Raj @ Amrit Kumar has been granted bail by a



co-ordinate Bench of this Court vide order dated 02.05.2023 passed in Cr. Misc. No. 7446 of 2023 and another co-accused persons, namely, Shoyeb @ Md. Saheb in Cr. Misc. No. 67296 of 2022 and Gaurav Kumar in Cr. Misc. No. 74045 of 2022 have been granted bail by a co-ordinate Bench of this Court vide order dated 02.05.2023. The petitioner is in custody since 24.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the five cases.

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 Chief Judicial Magistrate, Purnia in connection with K. Hat P.S. Case No. 707 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)

Vanisha/-

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

