

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17148 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- PATNA CITY CHOWK District- Patna

MONU PATEL Son of Late Kalyan Singh Resident of Mohalla- Jajak Toli,
Nai Sadak, P.S.- Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
04.04.2022 in connection with Sessions Trial No. 1078 of 2022
arising out of Chowk P.S. Case No. 149 of 2022, F.I.R. dated
30.03.2022 for the offences punishable under Sections 302,
120(B), 34, 386, 201 of the Indian Penal Code and Section 27
of the Arms Act.

According to prosecution case, two F.I.R. named
accused and two unknown persons fired upon the owner of the
Teel Oil Karkhana, namely Pramod Kumar Bagla due to which
he died.

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 on the basis of confessional statement of co-accused persons and self confessional statement of the petitioner. He further submits that bare perusal of the F.I.R. it transpired that there is specific and direct allegation of assault against co-accused Rohit Kumar @ Golu and Ranjeet Kumar @ Balchhi who fired upon the deceased and his son and there is no specific allegation of any assault or overt-act is attributed against the petitioner and even in the CCTV footage the petitioner was not seen. He further submits that except the self confessional statement of the petitioner no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and due to previous criminal antecedents the petitioner has falsely been implicated in the present case. He further submits that similarly situated, co-accused, namely, Dhiraj Kumar @ Dheeraj Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 07.02.2023 passed in Cr. Misc. No. 59949 of 2022, another co-accused namely, Kundan Kumar @ Chittu @ Chintu has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 09.01.2023 passed in Cr. Misc. No. 44514 of 2022 and another



co-accused namely, Rakesh Kumar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 17.10.2022 passed in Cr. Misc. No. 36198 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 04.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries fourteen criminal antecedents other than the present one out of fourteen petitioner is on bail in eight 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 Sessions Judge-IV, Patna City, Patna in connection with Sessions Trial No. 1078 of 2022 arising out of Chowk P.S. Case No. 149 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)

mdrashid/-

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

