

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13878 of 2023

Arising Out of PS. Case No.-879 Year-2022 Thana- ARA NAGAR District- Bhojpur

Sumit Kumar @ Sumit Kumar Singh S/O Tarkeshwar Singh Resident Of
Mohalla- Mahavir Tola, P.S.- Arrah, District-Arrah (BHOJPUR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jawed Gaffar Khan, Advocate
For the Informant	:	Mr. Madanjeet Kumar, Advocate
For the State	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the Informant and learned APP
for the State.

Petitioner seeks bail, who is in custody since
11.10.2022, in connection with Ara Town P.S. Case No. 879 of
2022, F.I.R. dated 06.10.2022 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code,
Section 27 of the Arms Act and 30(a) of the Bihar Prohibition
and Excise Act, 2018.

The allegation against the petitioner and co-accused
persons is that they murdered the brother of the informant by
shot fire.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that in fact the informant is not an eye witness of the alleged occurrence and only on the basis of suspicion the petitioner and other co-accused persons have been implicated in the present case and during investigation no other cogent material has come to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person namely Pankaj Singh has been granted bail by a Coordinate Bench of this Court vide order dated 07.02.2023 passed in Cr. Misc. No. 69066 of 2022 and another co-accused Golu Mishra @ Abhishek Kumar @ Golu Baba against whom the allegation of firing is attributed has been granted bail by the learned Court below itself in B.P. No. 936 of 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 11.10.2022.

The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that during investigation it has come that the petitioner has fired upon the victim.

Considering the facts and circumstances of the case,



the petitioner having clean antecedent and co-accused persons above named have been granted bail as well as also the police after investigation submitted chargesheet, 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 Exclusive Special Excise Court No. 1st, Bhojpur Ara in connection with Ara Town P.S. Case No. 879 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 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)

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