

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14664 of 2022

Arising Out of PS. Case No.-685 Year-2021 Thana- JAHANABAD District- Jehanabad

Shyamdeo Kumar, Male, aged about 29 years, Son of Satyadeo Prasad, Resident of Village-
Baeiem Sarai, P.S.- Ghoshi, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindeshwar Prasad Singh, Adv.
For the State	:	Ms. Pushpa Singh, APP
For the informant	:	Dr. Anand Kumar, Adv.
		Mr. Rajan Prakash, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Jehanabad P.S.
Case No. 685/2021 registered for the offence punishable under
Section 302/34 of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the
prosecution case, two unidentified miscreants have dashed her
husband on the floor, and when she has intervened, one has fired
upon her leg. It is also alleged that her husband has been fired upon
sustaining a fatal gun shot injury on his head.

It is submitted by the petitioner's counsel that co-accused
Ajit Kumar, and petitioner's roles have surfaced in the course of
investigation based on the mobile tower location near the place of
occurrence and recovery of the weapon of assault.

The petitioner's counsel submits that based on statement of
co-accused Ajit Kumar, the petitioner has been implicated in this
case. He denies and disputes the recovery of the fire arms at his
instance and submits that the recovery is not in accordance with law.

It is further submitted that, he is having clean antecedent and
he is in custody since 13.11.2021. It is also submitted that co-accused



Ajit Kumar upon whose statement the petitioner has been implicated has been allowed bail in Cr. Misc. No. 9427 of 2022.

Learned counsel for the informant as well as the learned Additional Public Prosecutor is present. They have submitted that recovery of the weapon of assault is at the petitioner instance. Also there is material in the investigation, being the petitioner's mobile tower location.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the period of custody, claim for parity with co-accused Ajit Kumar, clean antecedent and the fact that the investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 C.J.M., Jehanabad, in connection with Jehanabad P.S. Case No. 685/2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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