

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16048 of 2023

Arising Out of PS. Case No.-74 Year-2022 Thana- KARPI District- Jehanabad

BITTU KUMAR S/o Lal Deo Ram @ Laladev Ram Resident of Village-
Rampur Chauram, P.S.-Rampur Chauram, District-Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
28.11.2022 in connection with Karpi (Sahar Telpa) P.S. Case
No. 74 of 2022, F.I.R. dated 06.04.2022 for the offences
punishable under Sections 341, 307/34 of the Indian Penal Code
and Section 27 of the Arms Act.

According to prosecution case, as per F.I.R. the
allegation against the co-accused along with unknown
miscreants is that when informant having loaded plastic water
tank and pipes on a tempo was going to Usari Market to deliver
the same to shopkeeper in the meantime accused persons
intercepted and co-accused, namely, Sintu Kumar pulled out the
pistol from his waist and fired upon the informant which hit on



the chest of the informant due to which he sustained injury.

Learned counsel for the petitioner submits that petitioner has clean antecedent 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 during investigation on the basis of confessional statement of co-accused person and self confessional statement of the petitioner. He further submits that except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Vishnu Prasad @ Vishundev Sao @ Bisundeo Saw has been granted bail by a co-ordinate Bench of this Court vide order dated 05.05.2023 passed in Cr. Misc. No. 13745 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 28.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Judicial Magistrate, 1st Class, Arwal in connection with Karpi (Sahar Telpa) P.S. Case No. 74 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)

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