

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20672 of 2023

Arising Out of PS. Case No.-262 Year-2022 Thana- SAUR BAZAR District- Saharsa

Roshan Kumar @ Raushan Kumar @ Raushan Mukhiya Son Of Gori Mukhiya @ Gauri Mukhiya Resident Of Village - Pama, Ward No. 10, P.S. - Saur Bazar, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 21.08.2022 in connection with Sour Bazar P.S. Case No.262 of 2022, F.I.R. dated 25.05.2022 registered for the offence punishable under Section 394 of IPC and Section 27 of Arms Act.

Prosecution case is that the informant alleged that on 24.05.2022 he was going to his sister to Patna. On the way, three unknown miscreants on a motorcycle surrounded his motorcycle and took the key of the vehicle and fired. He fell down. One of them took the vehicle and fled away and two others fled away by their own motorcycle. He telephone to his



sister and then he was taken to hospital.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that the petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of the confessional statement of co-accused persons, namely, Prince Kumar. Further submits that nothing has been recovered from conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 21.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid fact, 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 learned S.D.J.M., Saharsa in connection with Sour Bazar P.S. Case No.262 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

Nitesh/-

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

