

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22013 of 2023

Arising Out of PS. Case No.-189 Year-2022 Thana- BEUR District- Patna

Ramashish Kumar @ Aashish Kumar @ Shooter Baba Son Of Jitendra Prasad
Resident Of Village - Maharana, P.S. - Dharhara, Distt. - Munger At Present
Vigrahpur Colony, Renter Of Shiv Yadav, P.S. - Jakkanpur, Distt. - Patna
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 05 of 2023 arising out of Beur P.S. Case No. 189 of 2022 dated 30.04.2022, instituted for the offence punishable under Sections 363, 365 of the Indian Penal Code in which chargesheet has been submitted under Section 364, 302, 201, 34 and 120(B) of the Indian Penal Code.

3. The prosecution story, in short is that on 29.04.2022 at about 1:30 pm informant's brother, who went to see off his friend namely, Mantosh Kumar, called informant and asked to handover cash of amount Rs. 1,60,000/- to unknown person who came at 04:00 pm to collect the said amount. Thereafter, the informant and his family could neither contact his brother nor traced him.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It is further submitted that the petitioner is named in the F.I.R. only on the basis of his confessional statement. He further submitted that several accused persons have been granted bail by this court whose details are mentioned in Annexure- 2 of the bail application. Learned counsel for the petitioner further submits that the entire matter with regard to Pipra case no. 134 of 2022 have been discussed in Criminal Miscellaneous Case No. 47866 of 2022. He further submitted that petitioner is not named in the Pipra P.S. Case No. 134 of 2022. It is further submitted that the bail petition was refused only on the basis of long criminal antecedents of the petitioner. Lastly, it has been submitted that the petitioner is in custody since 12.05.2022 has eight criminal cases and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the learned A.D.J.- XIII, Patna in Sessions Trial No. 05 of 2023 arising out of Beur P.S. Case No. 189 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

Sankalp/-

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