

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22561 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- BHAGWANGANJ District- Patna

SIYARAM KUMAR Son of Jinandan Singh @ Jinanan Yadav @ Jinanan Singh Resident of Village - Meerapur, Police Station - Masaurhi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Garg
For the Opposite Party/s	:	Mr.Chandra Bhushan Prasad
For the Informant	:	Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-01-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard the parties.

The petitioner seeks bail in connection with Bhagwanganj P.S. Case No. 79/2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, when the informant's husband was returning home from the market some unidentified persons opened fire on him and he sustained injury on the chest and he died.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. FIR against unknown persons during course of investigation, the



name of petitioner surfaced in this case on the basis of confessional statement of co-accused Deepu Kumar. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner is languishing in custody since 17.08.2021 and bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. He further submits that there is no cogent material available against the petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar allegation co-accused Rabindra Kumar @ Raj Kumar has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.17255/2022 and the case of present petitioner stands on similar footing. In the light of the said fact petitioner deserves bail.

The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into



consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Masaurhi in Sessions Trial No. 841/2021 arising out of Bhagwanganj P.S. Case No. 79/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner violates any of the conditions as enumerated above, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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