

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23734 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- AAJAM NAGAR District- Katihar

SHIVSANKAR GUPTA @ SHIV SHANKAR KUMAR GUPTA @
SHANKAR S/O SHASHINATH GUPTA R/O Village- Bari Bhaish Diyara,
P.S- Barari, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
03.08.2022 in connection with S.Tr.No.650 of 2022 arising out
of Ajamnagar P.S.Case No.196 of 2022, F.I.R. dated 02.07.2022
registered for the offence punishable under Sections
302,120(B)/34 of IPC and Section 27 of the Arms Act.

3. The prosecution case as per F.I.R is that the
informant had gone to perform Puja to Shiv Mandir, Gosaipara
with her husband and while they were returning, on way, two
miscreants intercepted them and fired from their pistol which hit
on the abdomen of the husband of the informant, as a result of
which, he sustained bullet injury on his abdomen. The



miscreants also fired at the informant, but it did not hit the informant. The informant alleged that prior to the occurrence, the accused persons had also attacked the brother-in-law (Dewar) of the informant, but somehow he saved his life. The husband of the informant succumbed to the injuries.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused persons, namely, Rajesh Yadav and Pradeep Yadav and they are also not named in the FIR. Thereafter, the petitioner has confessed his guilt and except the aforesaid, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and as per FIR four accused persons whose name are mentioned in the FIR, namely, Niranjana Yadav, Suresh Yadav, Balram Yadav @ Balram Kumar Yadav and Pappu Yadav have been granted privilege of anticipatory bail vide order dated 01.12.2022 passed in Cr. Misc. No. 58023 of 2022 and its analogous cases and other co-accused persons namely, Rajesh Yadav, Pradeep Yadav and Shiv Kumar @ Gorkha @ Shiv Kumar Mandal @



Shiva, whose confessional statement, the name of the petitioner has been transpired in the present case, have been granted bail vide order dated 07.04.2023 passed in Cr. Misc. No.72232 of 2022 and its analogous case and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 03.08.2022.

5. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence, apart from aforesaid, the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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 Additional Sessions Judge-V, Katihar in connection with S.Tr.No.650 of 2022 arising out of Ajamnagar P.S.Case No.196 of 2022, with the following conditions:-



(I) 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.

(II) 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.

(III) 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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