

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 25990 of 2023**

Arising Out of PS. Case No.-422 Year-2016 Thana- MOTIHARI TOWN District- East
Champaran

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LAL SAHAB @ TARUN KUMAR Son of Karpuri Thakur Resident of
village - New Chandmari, P.S. - Motihari Town, Dist. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms Rashmi Jha, Advocate
For the Opposite Party/s : Mr Atul Chandra, APP

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CORAM: HONOURABLE MR JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-05-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner has preferred this application for grant
of regular bail in connection with Motihari Town Police Station
(for brevity, *PS*) Case No 422 of 2016 dated 03.07.2016
initially registered for the offence punishable under Sections
307/34 of Indian Penal Code (for brevity, *IPC*) and Section 27
of Arms Act but later on added with Section 120B of IPC.

As per prosecution case, when the informant was



talking with one Keshav Kumar, in the meantime, two persons came on a motorcycle and started firing on Keshav Kumar. The informant also sustained gun shot injury on his thigh.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He is not named in the First Information Report. The petitioner is accused in ten more criminal cases, as stated in paragraph 3 of the bail petition in which he is on bail in four cases. He is in custody in this case since 25.08.2022. The co-accused Rishu Srivastava has been granted anticipatory bail by the co-ordinate Bench of this Court by order dated 28.03.2017 passed in Cr Misc No 14424 of 2017. The co-accused Md Sohrab has also been granted bail by the co-ordinate Bench of this Court by order dated 08.12.2016 passed in Cr Misc No 53176 of 2016.

Learned APP has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, period of custody as well as the nature of allegation against the petitioner, the petitioner above named is directed to be released on bail on his furnishing bonds of Rs 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount



each to the satisfaction of Chief Judicial Magistrate, East
Champaran at Motihari in Motihari Town PS Case No 422 of
2016 dated 03.07.2016 subject to the following conditions:

*(1) One of the bailors shall
be a close relative of the petitioner who
shall give genealogy as to how he is
related to the petitioner.*

*(2) The petitioner is directed
to remain physically present before the
learned Court below on each and every
date, failing which on two consecutive
dates without reasonable cause, his bail
is liable to be cancelled.*

This application stands allowed.

(Chandra Prakash Singh, J)

M.E.H./-

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