

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28935 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- SAHPUR District- Bhojpur

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KRISHNA KUMAR TATWA @ KRISHNA KUMAR S/O LATE SITARAM
TATWA @ BUCHAN TATWA R/O Village- Shahpur, P.S- Shahpur, Distt.-
Bhojpur at Ara.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Adv.
For the Opposite Party/s : Mr. Umesh Lal Verma, APP
For the Informant : Mr. Ajay Kumar Thakur, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in connection with Shahpur
P.S. Case No. 415 of 2022 dated 28.11.2022 registered for the
offence under Sections 302, 120(B) and 34 of the Indian Penal
Code and Section 27 of the Arms Act.

The brother of the informant is alleged to have been
killed by inflicting gun shot injuries at the instance of the
petitioner and his companions.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that it appears from the F.I.R. that
one co-accused, Vidya Sagar Gupta fired upon the brother of the
informant which hit him on his chest and the petitioner along



with three accused persons also fired upon the deceased causing bullet injuries on his hand and other parts of the body. He further submits that the specific allegation of firing is attributed to five accused persons namely, Vidya Sagar Gupta, Arjun Dhanuk, Gulshan Gupta, Vikky Singh and the petitioner. It is further submitted that the co-accused, Vidya Sagar Gupta fired upon the deceased which hit him on his chest and other four including the petitioner are alleged to have indiscriminately fired upon the deceased which hit him on his right arm.

Learned counsel for the petitioner further refers to the postmortem report and submits that according to the postmortem report, the deceased sustained three bullet injuries; out of three one could not be squeezed out and another two are handed over to the police which are opined to be recovered from the right arm and the chest of the deceased. He further submits that since the allegation of firing is attributed to five accused persons, the deceased has sustained only three bullet injuries and except one bullet injury which is specifically inflicted by the co-accused, Vidya Sagar Gupta, rest bullet injuries could not be ascertained as to whose firing rest injuries have been inflicted on the person of the deceased. He further contends that the petitioner has been made accused in this case in the background of political rivalry. He further submits that the police after investigation has submitted charge-sheet in this case against the



petitioner. The petitioner is rotting in judicial custody since 09.02.2023.

Learned A.P.P. for the State as well as learned counsel for the informant vehement opposed the prayer for bail of the petitioner and it has been submitted on behalf of the informant that according to the F.I.R. itself the petitioner along with others have fired upon the brother of the deceased causing his death during course of treatment. She further submits that the petitioner is having one more criminal antecedent beside the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Chief Judicial Magistrate- I, Bhojpur at Ara in connection with Shahpur P.S. Case No. 415 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 canceled 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.



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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