

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29167 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- TAJPUR District- Samastipur

PRASHANT SUMAN @ GOLU S/o Rajeev Kumar R/o village- Majhoul,
P.S.- Majhaul O.P., District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Alok kr Alok Mr. Ashok Kumar
For the Opposite Party/s :		Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 16-01-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Tajpur P.S. Case No. 34 of 2022 registered for the offences punishable under Sections 120B, 385, 387 and 307 of the Indian Penal Code and Section 25(1-B) (1) a, 26, 27 and 35 of the Arms Act.

As per prosecution case, informant bus was crossing near motipur bus stand suddenly five persons came on two motorcycle and fired upon the driver, Abid Hussain. It is further alleged that three bullet hit the victim and he was admitted to hospital. It is further alleged that some day ago scuffle took place between informant's other drivers and staff of Mahadev Rath. It is



also alleged that ransom of rupees two lakh was demanded from informant to be paid to the owner of bus Mahadev Rath. It is further alleged that gossip was going that miscreants were hired for killing the informant.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been surfaced in the present case on account of statement of one witness, Chandan Kumar in para 34 of the case diary. He further submits that petitioner is in custody since 16.02.2022 and bears criminal antecedent of four cases which is different from the present case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that one motorcycle was recovered from the possession of the petitioner upon self confessional statement of petitioner but there is no description of any motorcycle in the fact narrated in the FIR. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. No TIP has been conducted uptill now. He further submits that there is no specific allegation of firing and demand of ransom against the present petitioner. He further submits that victim who has sustained gun shot injury has not stated anything about the present petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case,



period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M 1st, Samastipur in connection with Tajpur P.S. Case No. 34 of 2022, 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.

(Alok Kumar Pandey, J)

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