

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30364 of 2022

Arising Out of PS. Case No.-149 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Randhir Kumar @ Kallu Son Of Sri Deo Ram @ Sri Devi Ram Resident Of
Village- Gauspur Bariarpur , P.S- Rajapakar , Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 24-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Hajipur
Sadar P.S. Case No. 149 of 2022, registered for the
offences punishable under Sections 394 and 302 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as emerges from the FIR is
that the informant's father informed the informant's mother



on phone that he was returning to home after taking sweets. After sometime, informant's mother tried to contact him but his mobile was found switched off. It has been alleged that on the social media, the informant had seen the photo of his father and then came to know that some miscreants had shot his father dead. Then informant reached near the hospital and saw two gun shots injury on the chest of his father.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner was not named in the FIR. He also submits that FIR has been lodged against unknown persons. He further submits that investigation in this case is complete and charge-sheet has already been submitted. He also submits that no TIP has yet been conducted. He further submits that petitioner name has transpired in the confessional statement of the co-accused Amod Kumar. He also submits that similarly situated other co-accused, namely, Raushan Kumar, Mashum Kumar and Raja Kumar have already been enlarged on bail by a co-



ordinate Bench of this Court vide order dated 08.12.2022 passed in Cr. Misc. No. 48398 of 2022 and 48010 of 2022 respectively.

He further submits that the petitioner has been languishing in jail since 09.09.2020.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. C.J.M., Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 149 of 2022 on the following conditions:

(i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.



Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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