

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30187 of 2023

Arising Out of PS. Case No.-1111 Year-2022 Thana- DANAPUR District- Patna

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PRAKASH KUMAR KESARI SON OF MAHENDRA PRASAD KESARI
@ MAHESH PRASAD KESARI RESIDENT OF VILLAGE- BIBIGANJ,
PS- DANAPUR, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.
Mr.Ghanshyam Tiwary, Adv.
For the Opposite Party/s : Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-07-2023 Heard Mr. Y.C. Verma, learned senior counsel for the
petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Session
Trial No. 283 of 2023 arising out of Danapur P.S. Case No. 1111 of
2022 registered for the offence under Sections 147, 148, 149,
341, 326, and 302 of the Indian Penal Code and Section 27 of the
Arms Act.

The son of the informant is alleged to have been killed
by the petitioner and his associates by inflicting him gun shot
injuries.

Learned senior counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that on bare perusal of
the F.I.R., it appears that the petitioner along with five other co-



accused persons allegedly opened fire indiscriminately upon the son of the informant causing him bullet injury resulting into his death. He further submits that the postmortem report clearly suggest that the deceased sustained two bullet injuries which could not be ascertained as to whom firing the deceased sustained two injuries. Moreover, co-accused, Deepak Kumar @ Dhosa @ Dosa @ Deepak Gupta and Jeetu Kumar @ Gujju Mali having more or less similar allegation have already been granted bail by this Court vide order dated 04.07.2023 passed in Cr. Misc. No. 15713 of 2023 and Cr. Misc. No. 33006 of 2023. 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 01.12.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than 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 A.D.J.-I, Danapur, Patna in connection with Sessions Trial No. 283 of 2023 arising out of Danapur P.S. Case No. 1111 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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