

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34523 of 2023

Arising Out of PS. Case No.-605 Year-2022 Thana- SAHPUR District- Patna

=====

Roushan Kumar Son Of Late Ram Pratap Ray Resident Of Village-
Mubarakpur Krishi Farm, Ps- Shahpur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
16.01.2023 in connection with Shahpur P.S. Case No. 605 of
2022, F.I.R. dated 08.12.2022 for the offences punishable under
Sections 457, 302 of the Indian Penal Code.

3. According to prosecution case, in brief, is that the
informant namely Naveen Kumar stating therein that on
07.12.2022 at about 4 A.M. a unknown boy entered into the
house of informant jumped the boundary wall of Bamboo after
the informant's sister-in-law (Bhabhu) namely, Renu cried and
in meantime elder brother namely, Sachin Sharma caught this
person who tried to escape from Sachin Sharma and trying to
fled away. In the meantime, fired upon his pistol to Sachin



Sharma and Sachin Sharma got injury left side of stomach and doctor of P.M.C.H. declared dead of the informant's brother.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of self confessional statement of the petitioner. He further submits that the allegation as alleged in the F.I.R. does not support by the postmortem report. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 16.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the Dr. Kanchan Prabha, learned Judicial Magistrate, 1st Class, Danapur in connection with Shahpur P.S. Case No. 605 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

mdrashid/-

U		T	
---	--	---	--

