

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38987 of 2023

Arising Out of PS. Case No.-906 Year-2021 Thana- ARA NAGAR District- Bhojpur

Shivshankar Prasad Son of Late Ramdev Sah Resident of village - Hanuman
tola, Aara, P.S. - Town Nagar, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
31.01.2022 in connection with Aara Nagar P.S. Case No. 906 of
2021, F.I.R. dated 24.12.2021 for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

4. According to prosecution case, the father of the
informant was shot dead by two unknown miscreants while he
along with his wife was returning from the shop.

5. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Santosh Kumar @ Santosh Chaudhary which was recorded in Aara Town P.S. Case No. 916 of 2021. He further submits that except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the co-accused, Santosh Kumar has confessed the involvement of this petitioner and other accused persons namely, Sanoj Kumar @ Sanoj Yadav and Manish Kumar. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sanjay Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 14.11.2022 passed in Cr. Misc. No. 26516 of 2022. The petitioner is in custody since 31.01.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of



the bail petition that the petitioner is on bail in the said case.

7. Considering the aforesaid facts and circumstances and the period of custody, 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 learned Additional District Judge X, Aara in connection with Aara Nagar P.S. Case No. 906 of 2021, 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)

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