

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38954 of 2023

Arising Out of PS. Case No.-266 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

KISHAN KUMAR Son of Sunil Sah @ Sunil Kumar Sah @ Ganesh Sah
Resident of village - Chatti Road, P.S. - Begusarai Town (Ratanpur), Distt. -
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha,Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
20.04.2023 in connection with Begusarai Town (Ratanpur O.P.)
P.S. Case No. 266 of 2023, F.I.R. dated 19.04.2023 registered
for the offence punishable under Sections 147,379,307,506 of
IPC and Section 27 of Arms Act.

3. Allegation against the petitioner is that he fired
upon the son of the informant with intention to kill him.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. The allegation as alleged in the FIR is false and
fabricated and the petitioner has not committed any offence as



alleged in the FIR. Further submits that it has come during investigation that the statement of the son of the informant namely, Ishwar Kumar has been recorded in para-39 of the case diary in which he has categorically stated that co-accused, namely, Aman Kumar has open fired upon the informant and his son and the petitioner was accompanied with the co-accused person and the petitioner is in custody since 20.04.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-2 of the supplementary affidavit.

6. Considering the aforesaid facts, 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 learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town (Ratanpur O.P.) P.S. Case No. 266 of 2023, with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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)

Nitesh/-

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

