

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39165 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- SAHPUR District- Bhojpur

Rishabh Verma @ Rishabh Sonar @ Rishabh Sonar S/O Satrudhan Sonar @
Shatrughan Prasad Gupta R/O Vill. Shahpur Ward No. 10, PS. Shahpur, Dist.
Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39706 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- SAHPUR District- Bhojpur

Deepak Dhanuk S/O Kishun Dhanuk R/O Village- Shahpur Ward No. 10, PS.
Shahpur, Dist. Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39165 of 2023)

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

For the Informant : Mr. Bhaskar Sharma, Advocate

(In CRIMINAL MISCELLANEOUS No. 39706 of 2023)

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

For the Informant : Mr. Bhaskar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-08-2023 Heard learned counsel for the petitioners, learned

counsel appearing on behalf of the informant as well as learned

A.P.P. for the State.

2. The petitioners seek bail in connection with

Shahpur P.S. Case No. 415 of 2022 dated 28.11.2022 registered

for the offence under Sections 302, 120(B) and 34 of the Indian

Penal Code and Section 27 of the Arms Act.



3. The brother of the informant is alleged to have been killed by inflicting gun shot injuries at the instance of the petitioners and their companions.

4. Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. that one co-accused, Vidya Sagar Gupta fired upon the brother of the informant which hit him on their chest and four other accused persons also fired upon the deceased causing bullet injuries on their hand and other parts of the body. He further submits that the specific allegation of firing is attributed to five accused persons namely, Vidya Sagar Gupta, Arjun Dhanuk, Gulshan Gupta, Vikky Singh and Krishna Kumar Tatwa. It is further submitted that the co-accused, Vidya Sagar Gupta fired upon the deceased which hit him on his chest and other four accused persons are alleged to have indiscriminately fired upon the deceased which hit him on his right arm.

5. Learned counsel for the petitioners further refers to the postmortem report and submits that according to the postmortem report, the deceased sustained three bullet injuries; out of three one could not be squeezed out and another two are handed over to the police which are opined to be recovered from



the right arm and the chest of the deceased. He further submits that since the allegation of firing is attributed to five accused persons, the deceased have sustained only three bullet injuries and except one bullet injury which is specifically inflicted by the co-accused, Vidya Sagar Gupta, rest bullet injuries could not be ascertained as to whose firing rest injuries have been inflicted on the person of the deceased. He further contends that the petitioners have been made accused in this case in the background of political rivalry. He further submits that the police after investigation have submitted charge-sheet in this case against the petitioners. He further submits that the similarly situated co-accused, namely, Krishna Kumar Tatwa @ Krishna Kumar has been granted bail by this Court vide order dated 25.05.2023 passed in Cr. Misc. No. 28935 of 2023. The petitioner, namely, Rishabh Verma is in judicial custody since 20.12.2022 and petitioner, namely, Deepak Dhanuk is in judicial custody since 14.03.2023.

6. Learned A.P.P. for the State as well as learned counsel appearing on behalf of the informant as well as have vehemently opposed the prayer for bail of the petitioners and submitted that according to the F.I.R. all accused persons including these petitioners have committed the murder of the



brother of the informant causing his death during course of treatment. They further submits that the petitioner, namely, Rishabh Verma carries five criminal antecedents out of which he is on bail in all the five cases and petitioner, namely, Deepak Dhanuk carries six criminal antecedents out of which he is on bail in five cases.

7. Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- I, Bhojpur at Ara in connection with Shahpur P.S. Case No. 415 of 2022 with the following conditions:-

(1) Petitioners 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 their/her absence on two consecutive dates without sufficient reason, their/her bail bond shall be canceled by the Court below.

(2) If the petitioners 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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