

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42447 of 2023

Arising Out of PS. Case No.-156 Year-2022 Thana- PHULWARIA District- Begusarai

=====

SUMIT KUMAR SON OF BHOLA CHAUDHARY RESIDENT OF
VILLAGE- HAJIPUR, PIPRA, PS- BARAUNI, DIST- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Ramchandra Sahni

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Phulwariya P.S. Case No. 156 of 2022 registered for the
offences punishable under Sections 120(B), 302/34 of the IPC
and Section 27 of the Arms Act.

3. As per prosecution case, two miscreants fired
upon the informant's brother and local people took the
informant's brother to the hospital where he was declared dead.

4. Learned counsel for the petitioner submits that
petitioner is not named in FIR and his name has been surfaced
in the present case upon the confessional statement of co-
accused Yuvraj Singh and petitioner was arrested from his house



and petitioner admitted his guilt and petitioner has been remanded from Barauni(Chakia) P.S. Case No. 438 of 2022 in the present case on 22.10.2022 and since then he is in custody. Petitioner bears criminal antecedent of four cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article was recovered from the possession of the petitioner. He further submits that there is no eye witness to the alleged occurrence. Petitioner has never been put on test identification parade before the alleged victim. He further submits that co-accused Chunchun Singh has already been granted bail vide Cr. Misc. No. 23025 of 2023 by a co-ordinate Bench of this court and the case of present petitioner stands on similar footing. He further submits that petitioner is quite innocent and has falsely been implicated in this case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail by co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of



both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Class, Begusarai in connection with Phulwariya P.S. Case No. 156 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

niku/vashudha/-

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

