

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.40469 of 2022

Arising Out of PS. Case No.-936 Year-2021 Thana- SAHARSA SADAR District- Saharsa

KUMOD KUMAR @ KUMOD SAH @ KUMOD KUMAR SAH Son of
Late Madan Sah Resident of Village - Kahra Ward No. -06, P.S. and District -
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 24-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in
connection with Saharsa Sadar P.S. Case No.
936/2021, registered for the offence punishable
under Sections 302, 201, 120(B)/34 of the Indian
Penal Code and Section 27 of the
Arms Act.

The case of the prosecution, in brief, is
that the petitioner herein along with his friend,
namely, Jiyaul Hak, had hatched a conspiracy,
whereafter the co-accused persons, namely, Indal
Yadav, Ranveer Kumar and Suman Sah, had fired
gunshots on the son of the informant resulting in
his death, whereafter the petitioner is stated to
have moved the dead body of the deceased and
kept the same in front of the house of one,
Bhavesh Paswan, with a view to implicate him in



the alleged crime.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 15.03.2022. It is submitted further submitted that the petitioner has not been alleged to have opened fire on the son of the informant resulting in his death and is merely stated to be a conspirator, being associate of the three main accused persons, who had fired on the deceased resulting in his death. It is further submitted that similarly situated co-accused person, namely, Jiyaul Hak @ Sam, has already been granted bail, by a coordinate Bench of this Court, vide order dated 3.8.2022, passed in Criminal Miscellaneous No. 24487 of 2022. It is also submitted that some other co-accused persons have also been granted bail by Co-ordinate Benches of this Court vide orders dated 30.08.2022 and 09.12.2022, passed in Criminal Miscellaneous No. 31796 of 2022, Criminal Miscellaneous No. 48308 of 2022,



Criminal Miscellaneous No. 48369 of 2022 and
Criminal Miscellaneous No. 50298 of 2022.

Per contra, the learned APP for the State
has vehemently opposed the prayer for bail.

Having regard to the facts and
circumstances of the case, considering the
submissions made by the learned counsel for the
petitioner and taking into account the materials
available on record as also considering the fact
that the petitioner is not alleged to have engaged
in any overt act and has also not been alleged to
have fired on the deceased, apart from the fact
that similarly situated co-accused persons have
also been granted bail by co-ordinate Benches of
this Court, I deem it fit and proper to direct for
release of the petitioner on bail on furnishing bail
bonds of Rs. 10,000/- (rupees ten thousand) with
two sureties of the like amount each to the
satisfaction of learned Chief Judicial Magistrate,
Saharsa in connection with Saharsa Sadar P.S.
Case No. 936 of 2021, subject to the following
conditions:-



- (I) *one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;*
- (ii) *the petitioner shall appear on each and every date before the Trial Court and failure to do so on two consecutive dates without plausible reasons will entail cancellation of their bail by the Trial Court itself;*
- (iii) *they shall appear before the concerned police station every fortnight for next six months to mark their presence;*
- (iv) *they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.*

(Mohit Kumar Shah, J)

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