

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42933 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- KHAJEKALA District- Patna

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PRADEEP KUMAR @ FAKAN Son of Late Munnu Yadav @ Munna Gope
Resident of Village - Sonar Toli, P.s.- Khajekala, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-02-2023 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

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.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 120(B)/34 of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, the petitioner along
with other co-accused persons fired the bullet upon the
informant's son namely, Raman Kumar Sahani @ Aman Kumar.
Thereafter he was taken to hospital for treatment but during
course of treatment, he died.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. The petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Arjun Kumar. He further submits that except the confessional statement of co-accused, no other cogent material has come during investigation against the petitioner and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.05.2022.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that during investigation, it has come that the petitioner has conspired with other accused persons but fairly submits that the charge has been framed in this case against the petitioner.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Khajekala P.S. Case No. 109/2022, 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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