

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41646 of 2023

Arising Out of PS. Case No.-1539 Year-2022 Thana- PHULWARISHARIF District- Patna

Naroj Kumar @ Bhokana @ Mukha @ Naroj Kr. Bhokna Son Of Late Raj Kumar Chauhan Resident Of Village- Govindpur, Noniya Toli, Ps- Phulwarisharif, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Phulwarisharif P.S. Case No. 1539 of 2022 dated 14.12.2022 instituted for the offence punishable under Sections 396, 397, 412, 413 of the Indian Penal Code and 25(1-B)A, 26, 27 of the Arms Act.

3. The prosecution case, in brief is that on 13.12.2022 at about 9:40 pm, while informant was sitting in his friend's house namely, Rajiv Ranjan, three unknown miscreants with guns entered the house and tried to snatch golden chain from the said friend. When the informant's friend tried to take out his pistol, one of the miscreants fired gun shot on him. Thereafter the said friend's father came to the place of occurrence, miscreants fired gun shot on him as well. It is further alleged



that another three miscreants tried to enter the house and they fired gun shot to the said friend's brother. All three victims were grievously injured and taken to the hospital, where Rajiv Ranjan was declared dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It is further submitted that F.I.R. has been lodged against six unknown persons and petitioner has been made accused in this case only on the basis of self confessional statement. Learned counsel further submitted that petitioner was arrested in another case and remanded in this case on the basis of self confession and thereafter T.I.P has been conducted by the authorities in the presence of injured Sanjeev Kumar but he has not identified the petitioner. Lastly, it has been submitted that the petitioner is in custody since 03.02.2023 has two criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the learned A.C.J.M-XIV, Patna in Phulwarisharif P.S. Case No. 1539 of 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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