

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41500 of 2023

Arising Out of PS. Case No.-400 Year-2021 Thana- PATNA CITY CHOWK District- Patna

PAWAN KUMAR Son of Manoj Sharma @ Manoj Kumar Sharma Village-
Hajiganj Near Narayan Utsav Hall Ps- Chowk Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

The petitioner is an accused in connection with Chowk P.S. Case No. 400 of 2021 registered for the offences under sections 302, 201 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 16.10.2021 by the informant, Sudhir Kumar.

As per the prosecution story, during the immersion of idol 'saraswati', stampede took place on the sound of firing whereafter it was found that his brother has sustained injuries and subsequently, he died. Accordingly, the FIR.

Learned Counsel for the petitioner submits that he is not named in the FIR and later the name of 14 persons came up which included the petitioner herein. There is no allegation of any firing against the petitioner herein and similar placed other



co-accuseds, namely, Deepak Kumar @ Deepak Thakur, Ashish Kumar and Rohit Singh @ Dina Kumar have since been released on anticipatory bail in Cr. Misc. No. 22698 of 2022, Cr. Misc. No. 54860 of 2022 and Cr. Misc. No. 13549 of 2023 vide order dated 26.09.2022 and 06.02.2023 respectively as also co-accuseds Jaiki Kumar and Bhola Kumar @ Prince Kumar have been granted bail vide order dated 25.03.2023 passed in Cr. Misc. No. 63236 of 2022 on 25.03.2023.

Further, he is in custody since 01.04.2023 (as stated in paragraph 4 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the prosecution story, his period of custody as also that similar placed other co-accuseds have since been granted bail, as stated above, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M. IV, Patna City, Patna in connection with Chowk P.S. Case No. 400 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned
police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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