

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40891 of 2022**

Arising Out of PS. Case No.-144 Year-2021 Thana- PRATAPGANJ District- Supaul

UJJWAL KUMAR Son of Sri Suresh Yadav @ Suresh Prasad Yadav Resident
of Village - Gangsair, Ward No.- 14, P.S.- Pratapganj, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durga Nand Jha
For the Opposite Party/s : Mr.Narsingh Tanti

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 25-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Pratapganj P.S. Case No. 144 of 2021 registered for the offences
punishable under Sections 302, 120(B) and 34 of the Indian Penal
Code and under Section 27 of the Arms Act.

As per prosecution case, 5-6 miscreants on two
motorcycles chased and stopped informant's brother. It is further
alleged that they fired upon the informant's brother as a result of
which he sustained gun shot injury in abdomen. Thereafter, the
injured was brought to PHC, Pratapganj from where he was
referred to Neuro Hospital, Biratnagar where during the course of



treatment he died.

Learned counsel for the petitioner submits that petitioner is not named in FIR. The name of the petitioner has been surfaced during the course of investigation, merely on suspicion as his mobile was found with same tower location, where occurrence took place. Except tower location, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioner is quite innocent and has committed no offence as alleged against him in FIR and has falsely been implicated in the present case. It has been submitted that there is no eye witness to the alleged occurrence. On similar allegation, co-accused Deepak Kumar has already been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 39782 of 2022. Learned counsel for the petitioner submits that petitioner is in custody since 04.12.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, 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 S.D.J.M., Birpur in connection with Pratapganj P.S. Case No. 144 of 2021, 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)

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