

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43485 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- BIHARIGANJ District- Madhepura

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SUMIT KUAMR S/o Manikchandra yadav Resident of Village - Pakilpar,
Parmanandpur, Ward No. 12, P.S.- Bihariganj, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-03-2023 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 302, 120B, 34 of the Indian

Penal Code and Section 27 of the Arms Act.

As per prosecution case, three unknown criminals

shot dead the husband of the informant namely Pradeep Sah

when he was going to see his newly constructed house.

Learned counsel for the petitioner submits that the

petitioner is innocent and he has been falsely implicated in the

present case only on the basis of suspicion. He further submits



that the petitioner is not named in the F.I.R. and the name of the petitioner has come during investigation only on the basis of confessional statement of co-accused and the self confessional statement of the petitioner. He further submits that except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.02.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Bihariganj P.S. Case No. 47 of 2022, with 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 witness, 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 antecedents, 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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