

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44320 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- SAHPUR District- Patna

NAVIN KUMAR @ NAVIN @ NIBHIYA SON OF LATE SURYA DEO
SHARMA RESIDENT OF VILLAGE- SAGUNA GANDHI MURTI, PS-
DANAPUR, DISTRICT -PATNA BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.
Mr. Ravi Kant Kumar, Adv.
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 4 30-08-2023 1. Heard Mr. Krishna Prasad Singh, learned Senior counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 23.02.2023 seeks bail, in connection with Shahpur P.S. Case No.124/2023, dated 21.02.2023, for the offences punishable under Sections 302/34 of the IPC & Section 27 of the Arms Act.
3. According to prosecution case, the petitioner along with other co-accused persons are alleged to have committed murder of the son of the informant.
4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that 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 the co-accused persons namely, Suraj Kumar, Monu Monu, Govind Kumar, Rani @ Babli and Rahul and all the co-accused persons have stated in their statement that the petitioner had supplied arms in question, which was used in the present crime in question. He further submits that co-accused, namely, Prince Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 24.07.2023 passed in Cr. Misc. No.43401/2023, co-accused namely, Govind Kumar has been granted bail vide order dated 06.07.2023 passed in Cr. Misc. No.39077/2023 and except the confessional statement of the co-accused persons, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 23.02.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried three criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the three cases.

6. 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 Miss. Chanchan Prabha J.M.F.C. at Danapur, Patna in connection with Shahpur P.S. Case No.124/2023, 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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