

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45376 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- KANTI District- Muzaffarpur

Prabhat Kumar @ Chhotu Son Of Tripurari Sharan Choudhary R/O Village -
Kaparpura, P.S.- Kanti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 11.02.2023 in connection with Kanti P.S. Case No. 112 of 2023, F.I.R. dated 09.02.2023 for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code along with Section 27 of the Arms Act.

3. According to prosecution case, son of the informant is alleged to have shot dead by the petitioner and some other unknown persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that altogether three F.I.R. has been instituted on the same date i.e., Kanti P.S. Case No. 111, 112 and 113 of 2023 against the petitioner. He further submits that the allegation as alleged in the F.I.R., is false and fabricated and he has not committed any offence. He further submits that it has come during investigation in Paragraph No. - 89 of the Case Diary that the co-accused person, namely, ***Ujala Rai @ Ujjwal*** has fired upon



the victim and the petitioner was also accompanied with the co-accused person. He further submits that it has come during the investigation that the petitioner and co-accused persons were returning from committing another crime and on returning they were apprehended by the local villagers and further arms and live cartridges have also been recovered from the possession of the petitioner and other co-accused persons. He further submits that post-mortem report of the deceased suggest that he has received only one fire arm injury and it has come during the investigation that co-accused person, namely, ***Ujala Rai @ Ujjwal*** has fired upon the victim. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 11.02.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two criminal antecedent other than the present one.

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 the learned Judicial Magistrate – Ist Class, (West) Muzaffarpur, in connection with Kanti P.S. Case No. 112 of 2023, subject to the following conditions:-



i. 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.

ii. 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.

iii. 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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