

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46769 of 2023

Arising Out of PS. Case No.-240 Year-2022 Thana- BACHHWARA District- Begusarai

Keshav Kumar @ Naga @ Keshav Kumar Naga Son Of Ram Vinay Singh @
Ram Binay Singh @ Vinay Singh @ Binay Singh R/O-Bihat, Tola-Khem
Karanpur, P.S.-Barauni, Distt.-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
25.03.2023 in connection with Bachhawara P.S. Case No. 240 of
2022, F.I.R. dated 14.09.2022 for the offences punishable under
Sections 307, 120(B), 34 of the Indian Penal Code and Section
27 of Arms Act.

3. According to prosecution case, on 13.09.2022 at
about 04:00 P.M., when informant Nitish Kumar was going to
Nayagaon Dularpur Branch after meeting from Bachhwara
Narepur Ward No.02. As he reached near Godhna School, he
stopped his motorcycle near Godhna School and receives a
phone. Then tow persons riding on a motorcycle came from



back side and they suddenly, fired upon the informant in his right panjra which passed hit the informant's right stomach. Thereafter, the informant chases them, but he fell down on the ground.

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 petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely Yuvraj Kumar @ Sonu which was recorded in para-55 of the case diary and thereafter, the confessional statement of the petitioner was also recorded. He further submits that the statement of petitioner and co-accused person was recorded in Barauni (Chakiya O.P.) P.S. Case No.438 of 2022 and thereafter, the petitioner was remanded in the present case on 25.03.2023. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution and except the confessional statement of the co-accused persons and self confessional statement of the petitioner, 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 judicial custody since 25.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries eleven criminal antecedents other than the present one but fairly submits that out of eleven cases petitioner is on bail two cases as stated in para-3 of the bail petition.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Bachhwara P.S. Case No. 240 of 2022, 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)

mdrashid/-

U		T	
---	--	---	--

