

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50916 of 2023

Arising Out of PS. Case No.-720 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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Mohit Shukla S/O Pappu Shukla @ Bijay Shukla R/O Village- Jay Nagar, P.S-
Tilauthu, Distt.- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
16.11.2022 in connection with Aurangabad Town P.S. Case No.
720 of 2022, F.I.R. dated 10.11.2022 for the offences punishable
under Sections 307/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. As per fardbeyan of the informant Shree Ram
Mishra that informant's sister Minakshi Dubey along with her
two daughters resides in Karma Road, Mahavir Nagar. On dated
09.11.2022, at about 01:30 P.M., while she was going to
coaching and reached near Forest Department Office road, three
persons riding over bike namely, Mohit Shukla (petitioner),



Sunil Mishra & Sudhir Dubey and other 3-4 unidentified persons fired bullet on Minakshi Dubey and she sustained gunshot injuries in her ribs. The miscreants fired second bullet in air and ran away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt act or firing is attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and the allegation against all the accused persons that they have fired upon the victim and the petitioner is distant relative of the co-accused Sudhir Dubey so, he has falsely been implicated in the present case. He further submits that similarly situated, co-accused, namely, Sudhir Dubey has been granted bail by a co-ordinate Bench of this Court vide order dated 23.06.2023 passed in Cr. Misc. No. 15613 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 16.11.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.



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 Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No. 720 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)

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