

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50748 of 2023

Arising Out of PS. Case No.-51 Year-2023 Thana- KARAKAT District- Rohtas

Gunjan Kumar Son Of Malik Ram R/O-Sikariya, P.S.-KARAKAT, Distt.-
ROHTAS At Sasaram Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 27.02.2023 in connection with Karakat P.S. Case No. 51 of 2023, F.I.R. dated 25.02.2023 for the offences punishable under Sections 394, 302, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, two persons broke the window of the informant's truck and assaulted the driver and also snatched Rs. 5,000/- from him. It is further alleged that the alleged persons opened fire on the driver due to which he sustained injury resulting into his death.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of the disclosure made by the local spy. He further submits that thereafter, the confessional statement of the petitioner was recorded in which he has confessed his guilt.



He further submits that nothing has been recovered from the possession of the petitioner and the petitioner was arrested on 26.02.2023 and the T.I.P was conducted on 25.03.2023 but the T.I.P was not conducted as per the prescribed rules. He further submits that except the confessional statement of the petitioner, no other 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 on 19.05.2023 against the petitioner. The petitioner is in custody since 27.02.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during investigation to suggest the involvement of the petitioner in the present case and apart from the aforesaid, the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in one case out of two cases.

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 Additional Chief Judicial Magistrate, Bikramganj, Rohtas in connection with Karakat P.S. Case No. 51 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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