

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48150 of 2022

Arising Out of PS. Case No.-235 Year-2021 Thana- SONEPUR District- Saran

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SUMAN KUMAR YADAV @ SUMAN KUMAR SON OF BACHULAL
YADAV @ BACCHU RAI R/O VILLAGE- PARMANANDPUR POKHARA
MURTHAN, P.S.- SONPUR, DISTRICT- SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-02-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as well as learned counsel for the

informant.

The petitioner seeks bail in a case registered for the

offence under Sections 147, 148, 149, 302, 120(B) of the Indian

Penal Code and Section 27 of the Arms Act.

The petitioner along with other accused persons have

opened fired upon the father of the informant as a result of

which, his father sustained gun shot injuries and later succumbed

before the injuries.

Learned counsel appearing for the petitioner submits

that the petitioner is innocent and has falsely been implicated in

this case. He further submits that it appears from the F.I.R. that

there is general and omnibus allegation against all the accused



persons including the petitioner and specific allegation of firing is attributed to Jamvant Rai, Vijay Rai, Abhimanyu Rai and no specific allegation of firing is attributed to the petitioner. He further submits that the similarly situated co-accused, namely, Sunil Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 08.04.2022 passed in Cr. Misc. No. 53176 of 2021. He further submits that the petitioner is rotting in judicial custody since 27.05.2022.

Learned A.P.P. for the State as well as learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one. He further submits that there is allegation of firing against all the accused persons including the petitioner and informs this Court that charge has been framed against the petitioner recently.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Sonapur P.S. Case No. 235 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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