

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51859 of 2023

Arising Out of PS. Case No.-359 Year-2023 Thana- MADHEPURA District- Madhepura

Abhishek Kumar son of Gopal Kumar @ Gopal Kumar Swarnkar Village-
Madhepura Ward no-10, Ps Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 09.05.2023 in connection with Madhepura P.S. Case No. 359 of 2023, F.I.R. dated 10.04.2023 for the offences punishable under Sections 341, 342, 323, 326, 307, 120B and 34 of the Indian Penal Code along with Section 27 of the Arms Act.

3. According to prosecution case, the son of the informant was shot fire by the accused persons and got dead.

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 the allegation against the petitioner, is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.



He further submits that from the bare perusal of the F.I.R., it appears that there is specific allegation against the co-accused person namely **Ankit Srivastava @ Bambam**, who fired upon the son of the informant. He further submits that there is no acquisition of any assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 09.05.2023.

5. The learned Additional Public Prosecutor 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, Madhepura, in connection with Madhepura P.S. Case No. 359 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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