

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58657 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- SAUR BAZAR District- Saharsa

Shiva Kumar Son of Arvind Yadav Resident of Village-Baijnathpur PS Sour
Bazar (OP Baijnathpur) District-Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP
For the informant	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
14.01.2023 in connection with Sessions Trial No.133 of 2023
corresponding to Sour Baza P.S. Case No. 03 of 2023 , F.I.R.
dated 02.01.2023 for the offences punishable under Sections
302, 120B of the IPC and Section 27 of the Arms Act.

3. According to prosecution case, this petitioner along
with other accused persons have shot dead the son of the
informant.

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 as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that it has come in paragraph-12 of the case diary that the eyewitness of the alleged occurrence, namely, Namo Yadav has clearly stated that the co-accused, namely, Sukumar Paswan and Raushan Kumar have fired upon the victim and petitioner was accompanied with the other co-accused person, but he has not used any firearm on the deceased. He further submits that the co-accused, namely, Mukesh Paswan has been granted bail vide order dated 03.08.2023 in Cr. Misc. No.41454 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.01.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State, vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and he was present at the place of occurrence and the bail petition of the co-accused person, namely, Raushan Kumar is rejected by this Court vide order dated 19.09.2023 in Cr. Misc. No.49479 of 2023.



6. Considering the aforesaid facts that petitioner having clean antecedent and there is no case of assault or overt act attributed against the petitioner, 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 Additional Sessions Judge, Ist, Saharsa in connection with Sessions Trial No.133 of 2023 corresponding to Sour Baza P.S. Case No. 03 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)

Prakash Narayan

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

