

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53324 of 2023

Arising Out of PS. Case No.-684 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

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DEVBRAT KUMAR @ DEOBRAT KUMAR S/O RAJ KISHOR SINGH @
RAJ KISHORE SINGH R/O VILLAGE- RAMDIRI, NAKTI TOLA, WARD
NO. 05, PS. MATIHANI, DIST. BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
06.06.2023 in connection with Town P.S. Case No. 684 of 2022,
F.I.R. dated 14.11.2022 for the offences punishable under
Sections 398, 307 and 34 of the Indian Penal Code and under
Section 27 of the Arms Act and later on Section 302 of the
Indian Penal Code has been added.

3. According to prosecution case, the informant alleges
that miscreants in the evening came to his shop and tried to
assault informant's son and also to grab the money from the
shop. On interception of a neighboring guard they fled and shot
fire upon him.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR and the name of the petitioner is transpired during investigation on the basis of the confessional statement of the co-accused persons namely Sonu Kumar and Principal Kumar. He further submits that it has come during investigation on the basis of the confessional statement of the co-accused persons Principal Kumar that Ankit Kumar had shot fired on the guard and petitioner was accompanied with other co-accused persons and there is no accusation of any assault or overt act, at best the petitioner was accompanied with other co-accused persons and Ankit Kumar against whom the allegation of firing upon the guard is, has been granted bail by order dated 12.09.2023 in Cr. Misc. No. 61332 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 06.06.2023.

5. The learned Additional Public Prosecutor for the State on the other hand on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that it has come during



investigation that the petitioner was involved in the present crime in question and he was accompanied with the other co-accused persons, and apart from the aforesaid the petitioner carries two more criminal antecedent other than the present one but fairly submits on the basis of paragraph three of the petition that the petitioner is on bail in both the cases.

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 Judicial Magistrate 1st class, Begusarai in connection with Town P.S. Case No. 684 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)

Adnan/-

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