

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53133 of 2022

Arising Out of PS. Case No.-37 Year-2020 Thana- SAHPUR District- Patna

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Ravi Kumar @ Ravi Sarkar @ Ravi Kumar Yadav S/O Mansaheb @ Maan
Saheb Resident of village- Usri Khurd, P.S.- Shahpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

According to prosecution case, the brother of the
deceased has lodged the FIR alleging that the petitioner had
taken the deceased to the house of one Karan Raj @ Pintu for
celebrating his birthday. Later, when the deceased did not come
back home, an inquiry was made and it was learnt that the dead
body of his brother is lying by the side of the road. The
informant further received information that the friends of the



deceased had fought with him at the venue of the party and thereafter the deceased was chased and shot dead.

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 F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused. He further submits that petitioner was not present at the place of occurrence and it appears from the F.I.R. that there is direct allegation of firing against co-accused namely, Suraj Kumar @ Suryakant Pandey, who fired upon the victim has already been granted bail vide order dated 26.04.2022 passed in Cr. Misc. No. 65273 of 2021 and another co-accused namely, Karn Raj @ Pintu @ Chintu has been granted bail by a co-ordinate Bench of this Court vide order dated 19.10.2020 passed in Cr. Misc. No. 22162 of 2020 and another co-accused namely, Roushan Mahto @ Roushan Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 26.03.2021 passed in Cr. Misc. No. 33463 of 2020. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.07.2021.

The learned Additional Public Prosecutor for the State



has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries three criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Court below where the case is pending in connection with Sessions Trial No. 779 of 2021, arising out of Shahpur P.S. Case No. 37 of 2020, 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)

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