

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.56214 of 2023

Arising Out of PS. Case No.-388 Year-2022 Thana- NAUGACHIA District- Bhagalpur

RAVI @ RAVISH KUMAR S/o- SANJAY MANDAL Village- Nayatola
Naugachia Ps-Naugachia Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Naugachia P.S. Case No. 388 of 2022 registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 10.12.2022 by the informant, Ramesh Prasad Yadav.

As per the prosecution story, the allegation is that the son of the informant was waiting for his turn at NH-31 Chowk, he being an auto driver, the allegation is that Saurabh Yadav along with his associates came on a motorcycle and opened fire. The informant's son ran to save himself and when the other son, Kaju Kumar Yadav went there, he was informed by the injured Ram Kumar Yadav that he has been shot by accused, Saurabh Yadav and this petitioner along with one unknown person were also present there. The injured was taken to Sub-Divisional



Hospital, Naugachia where doctor declared him dead. Accordingly, the FIR.

It is the case of the petitioner that the main allegation is against Saurabh Yadav of opening fire causing the death of the informant's son. The only allegation against this petitioner is that before his death, he narrated his brother, this petitioner was also present there for which he has already suffered by being in custody since 04.03.2023 (as stated in paragraph-11 of the petition), though he concedes that he has criminal antecedent.

Learned APP opposes the prayer for bail stating that he was the person who was present there when Saurabh Kumar opened fire.

Taking into account the submissions put forward by the learned counsel for the petitioner as also that the main allegation is against Saurabh Kumar, causing the death of the informant's son, he was present there but no role has been attributed to him, this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-III, Naugachia, Bhagalpur in connection with Naugachia P.S. Case



NO. 388 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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