

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57217 of 2022

Arising Out of PS. Case No.-168 Year-2021 Thana- RIGA District- Sitamarhi

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Premchand Kumar S/O Nand Kishore Sah @ Kishori Sah @ Nandakishor Sah
Resident Of Ward No- 13, Kushmari, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Fazle Karim, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 10-05-2023 The applicant/accused in Crime No. 168 of 2021 registered with Riga Police Station for the offences punishable under Sections 394, 302 read with Section 34 of the Indian Penal Code as well as under Section 27 of the Arms Act, by this application has renewed his prayer for grant of bail. His earlier application was rejected on 09.02.2022 by this Court.

Heard the learned counsel appearing for the applicant/accused. He drew my attention to the order dated 30.08.2022 in Cr. Misc. No.64872 of 2021 Rajesh Kumar Vs. The State of Bihar, order dated 07.12.2022 in Cr. Misc. No.68093 of 2022 Sudhir Kumar @ Sudhir Mahto Vs. State of Bihar and order dated 18.10.2022 in Cr. Misc. No.63290 of 2021 Ram Dev Mahto and Another Vs. The State of Bihar and contended that co-accused with identical role have already



been released on bail by the coordinate Benches of this Court and those orders have attained finality.

The learned Additional Public Prosecutor as well as the learned counsel for the First Informant opposed the application by contending that the trial is on the verge of completion and official witnesses are yet to be examined.

I have considered the submissions so advanced and also perused all three orders relied by the learned counsel for the applicant.

Undoubtedly, co-accused with identical role have already been released on bail by the coordinate Bench of this Court despite rejection of the earlier bail application of the present applicant.

According to the prosecution case, Shambhu Kumar (First Informant) accompanied by his brother Ajay Kumar (since deceased) were proceeding for making payment of labourers at about 2:30 PM of 25.04.2021. According to the prosecution case, six named accused persons including the present applicant as well as co-accused who are already released on bail viz. Rajesh Kumar, Sudhir Kumar, Ram Dev Mahto and Ram Nath Mahto surrounded them. Main accused Dilip Kumar then fired a bullet on the chest of Ajay Kumar



causing his death. The co-accused with identical roles are thus released on bail by the coordinate Benches of this Court and as such I have no alternative but to grant same treatment to the applicant on the basis of principle of parity and, therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 168 of 2021 registered with Riga Police Station is directed to be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) and on furnishing two sureties of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat



commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(A. M. Badar, J)

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