

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55642 of 2023

Arising Out of PS. Case No.-134 Year-2022 Thana- KHIRI MORE District- Patna

ROHIT KUMAR Son of LATE OM PRAKASH SHARMA R/o vill - Lalganj
Sehra, P.S. - Paliganj, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Mr. Shyam Kishore, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard Mr. Yogesh Chandra Verma, learned Senior
Counsel for the petitioner and learned APP for the State.

The petitioner is an accused in connection with Khiri
More P.S. Case No. 134 of 2022 registered for the offences
under sections 341, 324, 326, 307 and 34 of the Indian Penal
Code lodged on 24.12.2022 by the informant, Prem Kishore
Sharma.

As per the prosecution story, the allegation against the
accused persons is/are of opening fire and causing injuries
which include the vital part, the abdomen. Accordingly, the FIR.

Learned Senior Counsel submits that as per the
allegation, on four accused persons, four injuries have been
assigned which shows that they have been implicated in this
case.

It is his further submission that similar situation other



persons have been granted bail in Cr. Misc. No. 31470 of 2023 (Muneshwar Singh @ Muneshwar Sharma @ Mannu Sharma) and Cr. Misc. No. 33731 of 2023 (Rupesh Kumar @ Anirudh Kumar and Mohit Kumar).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that there is one injury in the abdomen, which is the vital part.

Considering the fact that one of the injury has been inflicted in the abdomen, this Court was initially not inclined to extend the petitioner privilege of bail, in view of the fact that similar situate other persons have been granted bail after framing of the charges, this Court is also inclined to extend him privilege of bail after framing of the charges.

Let the petitioner be released on bail on after framing of charges furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned J.M. Ist Class, Danapur, Patna in connection with Khiri More P.S. Case No. 134 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 *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 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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