

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55746 of 2023

Arising Out of PS. Case No.-291 Year-2023 Thana- BARHARA District- Bhojpur

PAWAN KUMAR son of Manager Rai Village- Saligram Singh ka tola Ps-
Barhara Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Adv.
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 19.05.2023 seeks
bail, in connection with Barhara (Krishnagarh) P.S. Case No.
291/2023, dated 15.05.2023, for the offences punishable under
Sections 302, 120(b), 34 of the IPC & Sections 25(1-b)a, 26 and
35 of the Arms Act.

3. According to prosecution case, co-accused, namely,
Anshu Upadhyay shot the father of the informant from behind
on account of which he fell from the motorcycle in front of the
shop of Sri Ram Mukhiya thereafter co-accused, namely,
Dhanjee Yadav along with a boy came from behind on a
motorcycle and on exhortation of co-accused Anshu Upadhyay,
Dhanjee Yadav and the boy shot the father of the informant on
the head leading to his death.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the confessional statement of the co-accused namely Rakesh Kumar @ Rocky and co-accused, namely, Anshu Upadhyay against whom, there is allegation of firing upon the father of the informant has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 02.08.2023 passed in Cr. Misc. No.47624/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.05.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

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 C.J.M., Bhojpur, Ara in connection with Barhara (Krishnagarh) P.S. Case No. 291/2023, 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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