

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56928 of 2023**

Arising Out of PS. Case No.-20 Year-2023 Thana- SHYAMPUR BHATHAN District-
Sheohar

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Rahul Kumar S/O Ganesh Ray R/O Village And P.O.- Nayagaon, Ps.
Shyampur Bhatahan, Dist. Sheohar, Bihar, Pin- 843329

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Prabhakar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Shyampur Bhataha P.S. Case No. 20 of 2023 lodged under
Sections 307, 120B/ 34 of the I.P.C. read with Section 27 of the
Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 2 named accused persons and not against the
present petitioner. It has been alleged that when the informant
reached near the shop of Sudha Dairy, then all of a sudden, 2
persons came and one of the persons sitting on the motorcycle
has fired on the informant. The informant started fleeing at the
shop of Lal Babu Rai and closed the door. On the basis of
apprehension, the informant has named 2 accused persons,
namely, Deepak Kumar and his associates to fire on him.

4. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. rather his name has figured in this case by virtue of confessional statement of co-accused, namely, Ram Pravesh Rai and Deepak Kumar. It has been stated by co-accused Deepak Kumar that the petitioner was driving motorcycle and another person sitting on the motorcycle had fired shot at informant.

5. Counsel further submits that a categorically statement has been made in paragraph-7 of this petition that petitioner's name has figured in this case by virtue of confessional statement of co-accused Deepak Kumar and the said Deepak Kumar has been granted bail by this court.

6. Learned counsel for the State opposes the prayer for bail and submits that it is true that the co-accused, namely Deepak Kumar has been granted bail by this court vide order dated 30.08.2023 passed in Cr. Misc. No. 56177 of 2023

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- 1st, Sheohar, in connection with Shyampur Bhataha P.S. Case No. 20 of 2023,

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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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.

(Dr. Anshuman, J.)

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