

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58812 of 2023

Arising Out of PS. Case No.-1098 Year-2021 Thana- PHULWARISHARIF District- Patna

Om Kumar @ Onkar Son Of Mantu Singh @ Ashok Verma Village Anjawan
Bishunchak, Ps- Naubatpur, Dist- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 05.04.2022 in connection with S.Tr.No.670 of 2022 arising out of Phulwarisharif P.S. Case No. 1098 of 2021, F.I.R. dated 14.12.2021 registered for the offence punishable under Sections 302/120(B)/34 of IPC.

3. Earlier the petitioner was granted bail vide order dated 28.03.2023 passed in Cr. Misc. No.41633 of 2022 but thereafter the petitioner has not furnished the bail bond due to his criminal antecedent. The petitioner has mentioned only one criminal antecedent and during pendency of the bail petition, the petitioner has remanded in one another case i.e. Naubatpur P.S.Case No.88 of 2022 under Sections 386,387,120(B)/34 of



IPC and Sections 25(1-b)a, 26 of Arms Act.

4. Learned counsel appearing for the petitioner submits that due to communication gap the petitioner has not furnished the correct criminal antecedent in the bail petition which was filed Cr. Misc. No. 41633 of 2022. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused persons as well as self-confessional statement of the petitioner and except the confessional statement of co-accused persons as well as self-confessional statement of the petitioner which was recorded in para-84 and 85 of the case diary, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and co-accused persons, namely, Mithilesh Kumar @ Amitav Kumar, Kundan Kumar, Nakul Kumar, Raj Kumar have been granted bail vide orders dated 17.05.2022, 31.08.2022 and 20.03.2023 passed in Cr. Misc. Nos. 21815 of 2022, 31507 of 2022 and 65598 of 2022 respectively by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 05.04.2022.



5. Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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 learned A.D.J.-XVII, Patna in connection with S.Tr.No.670 of 2022 arising out of Phulwarisharif P.S. Case No. 1098 of 2021, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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