

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57399 of 2022**

Arising Out of PS. Case No.-224 Year-2022 Thana- SAUR BAZAR District- Saharsa

ONAM KUMAR @ ONAM YADAV @ BIBHUTI NANDAN KUMAR Son
of Bishnu Dev Yadav @ Bishnu Dev Prasad Yadav R/V- Bhelba, P.S- Sour
Bazar, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 09-02-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 147,148,149,302,120(B) and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in short is that the allegation
against co-accused namely Manish Kumar is that he fired at the
chest of the informant's son. On alarm, nearby people collected
and brought the son of the informant to the hospital where the
Doctor declared brought dead.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. He further submits that there is no specific allegation of



firing against the petitioner. Further submits that it transpires from the FIR that the specific allegation of firing attributed is against co-accused, namely, Manish Kumar. Further submits that no any incriminating article has been recovered from possession of the petitioner and even the informant is not the eye witness of the alleged occurrence and only on the basis of the suspicion, the name of the petitioner has falsely been implicated in the present case. Further submits that till date no TIP has been conducted by the prosecution and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 05.06.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner. Further submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts, 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 court below where the case is pending in connection with Sour Bazar P.S. Case No.224 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her 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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