

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59251 of 2022

Arising Out of PS. Case No.-148 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Bittu Kumar @CHHOTI Kumar S/o Uttam Mahto @ Uttam Prasad Resident
of village- Dhawal Pura Sanichara Mandir, P.S.- Bypass, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 307 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, two persons including
the petitioner reached near the stall of the informant with the
pistol and fired upon him from the back due to which he
sustained injuries.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case on the
basis of suspicion. He further submits that except the suspicion,
no cogent materials has come during investigation against the
petitioner. He further submits that the petitioner was remanded



in the present case from Chowk P.S. Case No. 147 of 2022 on 05.05.2022. He further submits that the police after investigation submitted the charge sheet and vide order dated 07.09.2022., the charge has been framed against the petitioner. The petitioner is in custody since 05.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

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 Court below where the case is pending in connection with Sessions Trial No. 1056 of 2022 arising out of Chowk P.S. Case No. 148 of 2022, 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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