

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61845 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- NAUHATTA District- Saharsa

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PAPPU KUMAR Son of Kamleshwari Yadav Resident of Village -
Bajnathpatti, Ward No.- 12, P.S.- Saharsa, District – Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Nawhatta
P.S. Case No. 61/2022 registered for the offences punishable
under Sections 394, 302 of the Indian Penal Code and Section
27 of the Arms Act.

As per prosecution case, unknown miscreants fired
upon the informant's cousin and snatched laptop, cash and
mobile phone. It is alleged that in the way to the hospital the
victim died.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to dirty village politics. The petitioner is not named in
the FIR. During course of investigation, the name of petitioner



transpired in this case on the basis of confessional statement of co-accused, Gauri Shankar Kumar. The petitioner is languishing in custody since 06.06.2022 and bears criminal antecedent of one case in which he is on bail. No incriminating article has been recovered from the conscious possession of the petitioner and the petitioner has not been put on T.I. Parade till date. The petitioner has neither concerned with the deceased nor concerned with the alleged occurrence. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saharsa in connection with Nawhatta P.S. Case No. 61/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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