

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65466 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- GAMAHARIYA District- Madhepura

ROSHAN KUMAR @ HITLAR Son of Shashishekhar Yadav @
Shashishekhar Kumar Resident of Village - Jogwani Ward No.- 14, P.S. -
Gamhariya, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha,Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
22.06.2022 in connection with Gamhariya P.S. Case No. 01 of
2022, F.I.R. dated 04.01.2022 registered for the offence
punishable under Section 302 of IPC and Section 27 of Arms
Act.

As per prosecution case, 8-10 bike borne armed
miscreants came to the house of the informant and caught hold
of the husband of the informant and shot him dead taking him
outside his house. The name of the petitioner surfaced during
investigation as one of the accused person.

Learned counsel appearing for the petitioner submits



that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR and the name of the petitioner has been transpired during investigation on the basis of suspicion and thereafter the self-confessional statement of the petitioner. Further submits that except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.06.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries eight more cases other than the present one but fairly submits that he is on bail in all the cases as mentioned in para-3 of the supplementary affidavit.

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 C.J.M., Madhepura in connection with Gamhariya P.S. Case No. 01 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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