

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.788 of 2022

Arising Out of PS. Case No.-807 Year-2019 Thana- DANAPUR District- Patna

Sumit Kumar Son Of Kaushal Kishor Singh @ Kaushal Singh Resident Of
Village- Dumara, P.S.- Belsand, District- Sitamarhi, At Present Resident Of
Tarachak, P.S.- Danapur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Prabhakar

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 10-01-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Session
Trial No. 306 fo 2021 arising out of Danapur P.S. Case No.
807 of 2019, registered for the offences punishable under
Sections 302, 120(B) and 34 of the Indian Penal Code and
Section 27 of the Arms Act, arising out from G.R. No. 3754
of 2019.

The prosecution story as emerges from the FIR is
that on 18.10.2019 in the mid-night the informant got an
information that his son has sustained gun shot injury. The
informant and his family members rushed towards the place



of occurrence and found his son injured. Further they took him to Paras hospital, Patna where he was declared dead. There is also an allegation of informant's son being killed by one Vivek Kumar and two unknown miscreants.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He also submits that the petitioner is not named in the FIR and his name transpired only in the confessional statement of the co-accused. He further submits that nothing incriminating article has been recovered from the conscious possession of the petitioner.

He further submits that the petitioner has been languishing in jail since 25.08.2020.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in thirteen other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. 5th Addl. Session Judge, Danapur in connection with Session Trial No. 306 fo 2021 arising out of Danapur P.S. Case No. 807 of 2019, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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