

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62791 of 2022

Arising Out of PS. Case No.-983 Year-2021 Thana- MANER District- Patna

=====

Suman Kumar @ Suman Yadav S/o Binod Rai R/v- Chhitnawan, P.S.- Maner,
District- Patna Petitioner/s

Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
27.08.2022 in connection with Maner P.S. Case No. 983 of
2021, F.I.R. dated 30.12.2021 for the offences punishable under
Section 307 of the Indian Penal Code and Section 27 of the
Arms Act.

According to prosecution case, the husband of the
informant received a gunshot from unknown person in a
marriage ceremony as there was huge mob and the firing as the
mark of celebration was going on.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He



further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the statement of wife of the victim, namely, Shweta Singh made before the police. He further submits that it is not clear that who fired the shot which hit the husband of the informant. He further submits that it has come during investigation that the police has recorded the statement of the husband of the informant, namely, Manoj Yadav who categorically stated that the petitioner has brought the gun and one Shashi Yadav fired upon the victim. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner but fairly submits that it has come during investigation that Shashi Yadav has fired upon the victim (husband of the informant) and also submits that the 3 cases are pending against the petitioner but in all the 3 cases, the petitioner is on bail.

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 Judicial



Magistrate 1st Class, Danapur in connection with Maner P.S.

Case No. 983 of 2021, 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)

Vanisha/-

U		T	
---	--	---	--

