

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64161 of 2022

Arising Out of PS. Case No.-172 Year-2022 Thana- ARA NAWADA District- Bhojpur

BIRBAL KUMAR S/O LATE SAMBHU PRASAD Resident of Village-
Pakariyapar, P.S.- Udwantnagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
16.08.2022 in connection with Ara Nawada P.S. Case No. 172
of 2022, F.I.R. dated 05.03.2022 for the offences punishable
under Sections 326, 307/34 of the Indian Penal Code and
Section 27 of the Arms Act.

According to prosecution case, on the basis of
fardbeyan of the informant, namely, Birendra Kahar and
alleging therein that on 04.03.2022 in the noon, while he was at
Ara Anchal office with his motorcycle, somebody from behind
fired which hit him in the wrist, knee and waist due to that he
fell down.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he 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 confessional statement of the co-accused namely, Atul Pandey. He further submits that only materiel has come during investigation against the petitioner that the used motorcycle in crime has been recovered from the house of the petitioner and the informant is not the eye witness of the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 16.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Nawada P.S. Case No. 172 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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