

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71793 of 2022

Arising Out of PS. Case No.-162 Year-2022 Thana- BAKHARI District- Begusarai

Bablu Kumar @ Bablu Rathaur @ Babul @ Babul Kumar Son of Mahesh
Sharma R/V- Sankhy, P.S- Bakhri (Parihara O.P) Dist- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

For the Informant : Mr. Saurav Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
25.05.2022 in connection with Bakhri P.S. Case No. 162 of
2022, F.I.R. dated 21.05.2022 for the offences punishable under
Sections 302, 120(B), 34 of the Indian Penal Code and Section
27 of the Arms Act.

According to prosecution case, as per F.I.R. allegation
against the petitioner is that he is a part of gang of miscreants
and they stopped the son of the informant and others when they
were returning home after attending the feast on point of gun
and in due course they fired in air and all started running and
co-accused Raushan Kumar shot the son of the informant after
catching him from point blank range on his head and he died on



spot, who was a journalist by profession and thereafter accused persons fled away firing in air.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt-act against the petitioner and there is direct allegation of firing against Raushan Kumar upon the son of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 25.05.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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, Begusarai in connection with Bakhri P.S. Case No. 162 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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