

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70173 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- MADHEPURA District- Madhepura

Pappu Kumar Son of Nandan Yadav @ Nand Kumar Yadav Resident of
Village- Giddha, Rampur Jogia Chahi Ward No.-8, P.S.- Shankarpur, District-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-05-2023 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
11.02.2022 in connection with Madhepura P.S. Case No. 67 of
2022, F.I.R. dated 22.01.2022 for the offences punishable under
Sections 341, 323, 307/34 of the Indian Penal Code and Section
27 of the Arms Act but the police after investigation submitted
charge sheet under Section 393, 307/34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, three miscreants riding



motorcycle intercepted the informant and started demanding the key of the motorcycle of the informant. It is further stated that when the informant protested, one miscreant fired upon him which causes injury in the right leg of the informant.

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 self confessional statement of the petitioner. He further submits that except the self confessional statement of the petitioner, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and nothing has been recovered from the possession or the house of the petitioner. He further submits that till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sudhir Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 03.05.2023 passed in Cr. Misc. No. 9518 of 2023. The petitioner is in custody since 11.02.2022.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 2 criminal antecedents other than the present one but fairly submits that the petitioner is on bail in both the cases.

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 Additional District Judge III, Madhepura in connection with Madhepura P.S. Case No. 67 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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