

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71044 of 2023

Arising Out of PS. Case No.-106 Year-2023 Thana- KASHICHAK District- Nawada

Sanjeet Kumar Son Of Sunil Singh Resident Of Village Kosthua, Ps Shahpur
O.P. (Kashichak), District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard Mr. Vibhuti Ranjan Sonvadra, learned counsel
for the petitioner as well as Mr. Mohammad Sufyan, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kashichak (Shahpur O.P.) P.S. Case No.106 of
2023, F.I.R. dated 08.05.2023 registered for the offence
punishable under Sections 307/34 of the IPC and 27 of the Arms
Act.

3. The prosecution case, in short, is that informant's
elder brother was coming home after closing his shop and when



he reached 100 meters away from his village he was attacked by criminals who fired upon him indiscriminately. After that he along with his villagers brought him to Ruban Hospital, Patna for treatment. Accordingly, the FIR.

4. 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 during the course of investigation his name has been transpired in this case on the basis of the confessional statement of co-accused namely, Ankit Kumar and except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Further submits that prosecution has also recorded the statement of the injured person and initially he has not taken the name of the petitioner and after four months he has taken the name of the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one, but fairly submits on the basis of paragraph-3 of the petition that in both the cases petitioner is on bail.

6. Considering the aforesaid facts, let the petitioner,



above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., VI, Nawada in connection with Kashichak (Shahpur O.P.) P.S. Case No.106 of 2023, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with other following conditions:-

(i) 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 bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) 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 antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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

