

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70725 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Anshu Kumar Son Of Sanjay Kumar R/O Village- Ghagha Gali, P.S.-
Khajekalan, District- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Chowk
P.S. Case No. 39 of 2022 dated 24.01.2022, corresponding
to G.R. No. 397 of 2022, registered for the offences
punishable under Sections 302 and 34 of the Indian Penal
Code and 27 of the Arms Act.

The prosecution story as emerges from the FIR is
that the petitioner along with his associates shoot the
informant's husband, namely, Abhishek Kumar and during
treatment he was declared dead by the Doctor of N.M.C.H.,
Patna.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He also submits that the petitioner is not named in the FIR and his name transpired only in the confessional statement of the co-accused. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner.

He further submits that the petitioner has been languishing in jail since 15.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has made accused in one more case.

It is also stated in paragraph no. 2 of the bail petitions that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Sub-Divisional Magistrate, Patna in connection with Chowk P.S. Case No. 39 of 2022 dated 24.01.2022, corresponding to G.R. No. 397 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, the Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied



that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the Ld. court below shall cancel the bail bond of the petitioner.

The Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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