

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71191 of 2022

Arising Out of PS. Case No.-438 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

PRADUMAN KUMAR S/O Ashok Kewat R/O Village- Mallah Toli, Tehta,
P.S- Makhdumpur, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

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.

Petitioner seeks bail, who is in custody since
14.07.2022 in connection with Makhdumpur (Tehta O.P.) P.S.
Case No. 438 of 2022, F.I.R. dated 13.07.2022 for the offences
punishable under Sections 341, 323, 324, 307/34 of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, as per F.I.R. the
allegation against the petitioner that at the time of occurrence,
they were playing card with his fellow and the informant was
also playing card with them and in course of that, scuffle arose
between them upon which the petitioner facilitated his pistol to
co-accused Sonu Kumar and other co-accused persons were also
instigated to Sonu Kumar who fired upon the informant for



which the informant sustained fire arms injury on his body.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner has not committed any offence as alleged in the F.I.R. and it appears from the F.I.R. that the allegation against the petitioner is that he has facilitated the pistol to one co-accused namely, Sonu Kumar who fired upon the brother of the informant. He further submits that there is no allegation of any assault or overt-act is attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 14.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which he is on bail.

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 A.C.J.M.- IV, Jehanabad in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 438 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)

mdrashid/-

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

