

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74743 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- KIUL District- Lakhisarai

Shiva Kumar Son of Krishna Prasad @ Krishna Kumar R/V- Maniyari, P.S-
Bhelwar, Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
10.05.2022, in connection with Kiul P.S. Case No. 27 of 2022,
F.I.R. dated 22.02.2022 registered for the offences punishable
under Sections 302, 34 of the Indian Penal Code and Section 27
of the Arms Act.

The prosecution case, in brief, is that on 21.02.2022
when the informant and her family were at home, five persons
lacerated with arms entered into her house and told the father-
in-law namely Mahendra Bind to repair hand pump then he
refused to do. Accused Ravikant Yadav on the point of pistol
told that come with me otherwise I will shut you. Accused
Ravikant Yadav made firing upon the head of his father-in-law,



another accused Chhotu Kumar @ Manish also shut fire upon his head and Manikant Yadav and Jonshan fired upon his chest and due to which he died at the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely 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 confessional of co-accused person. He further submits that it appears from the F.I.R. that there is specific allegation of firing attributed against co-accused persons namely Ravikant Yadav, Chhotu Kumar @ Manish, Manikant Yadav and Jonshan and after that the informant has falsely implicated the petitioner and the petitioner has confessed before the police that he was involved in the present occurrence and except the confessional statement of co-accused, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused Sujit Kumar, who is also not named in the F.I.R. has been granted the privilege of bail by a Coordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 52149 of 2022 and the police after investigation submitted chargesheet against the



petitioner and the petitioner is in custody since 10.05.2022.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on 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 Chief Judicial Magistrate, Lakhisarai, in connection with Kiul P.S. Case No. 27 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 witness, 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 antecedents, 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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