

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6125 of 2023

Arising Out of PS. Case No.-677 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Prem Kumar @ Babul S/o Late Raj Kumar Singh R/o village- Baghi, P.S.-
Town (Lohiyanagar), Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Nandan Prasad Mr. Vishesh Kumar Singh, Advocates
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 28.11.2022, in connection with Town P.S. Case No. 677 of 2021, F.I.R. dated 07.11.2021 registered for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on 04.11.2021 there was altercation taken place between the informant's son and accused persons including the petitioner. Later on, the informant's son was shot dead by the petitioners and their associates

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case only on the basis of suspicion. He further submits that in fact the informant is not an eye witness of the alleged occurrence and only on the basis of hearsay statement of the villagers the petitioner has been falsely implicated in the present case. He further submits that during investigation the statement of co-accused person namely Ankit Kumar @ Ankit Chauhan was recorded but it is not clear from the statement of co-accused that who fired upon the deceased. He further submits that similarly situated co-accused person namely Ranjit Singh has been granted bail by this Court vide order dated 27.09.2022 passed in Cr. Misc. No. 29770 of 2022 and another co-accused persons namely Krishna Murari, Balram Paswan and Ankit Kumar have been granted bail by a Coordinate Bench of this Court vide order dated 02.02.2023 passed in Cr. Misc. No. 35164 of 2022 and its analogous cases. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Additional Sessions Judge VIII, Begusarai in connection with



Town P.S. Case No. 677 of 2021, 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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