

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2603 of 2023**

Arising Out of PS. Case No.-158 Year-2021 Thana- SAHPUR District- Patna

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HARENDRA KUMAR @ LOTH A GOPE @ LOTH A RAI S/o Krishna Rai  
R/o Village- Turha Toli, P.S. Shahpur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rudra Deo, Adv.

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      03-07-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
12.07.2021 in connection with Shahpur P.S. Case No.158/2021  
F.I.R. dated 14.05.2021, for the offences punishable under  
Sections 307, 120(B) and 34 of the IPC & Section 27 of the  
Arms Act.

According to prosecution case, two unknown  
miscreants have fired upon the informant, which struck the  
friend of informant namely Pradeep Ram in his waist and  
thereafter struck on the leg of the informant and then the  
accused persons fled away.

Learned counsel for the petitioner submits that the  
petitioner has falsely been implicated in the present case. He



further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused, namely, Vivek Kumar @ Aryan. He further submits that the petitioner was in custody since 07.09.2020 in Shahpur P.S. Case No. 328/2020 and at the time of occurrence he was in judicial custody and except confessional statement of the co-accused, no other cogent material has come during investigation to connect the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 12.07.2021.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries eight criminal antecedent other than the present one.

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.-1st, Danapur, Patna in connection with Shahpur P.S. Case No. 158/2021, 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 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)**

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