IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4617 of 2023

Arising Out of PS. Case No.-70 Year-2022 Thana- CHACKMEHSI District- Samastipur

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MOHAN ROY @ AVINASH KUMAR S/o Bhola Ray R/o Barheta, P.S.- Kalyanpur, Distt- Samastipur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr.Advocate
: Mr.Ram Jiban Pd. Singh,Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

4 26-06-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 13.05.2022 in connection with Chakmehsi P.S. Case No. 70 of 2022, F.I.R. dated 28.04.2022 registered for the offence punishable under Sections 302, 34 of IPC and Sections 25(1-b) a, 26,27,35 of the Arms Act.

The prosecution case, in short, is that during marriage ceremony due to scuffle over dancing co-accused Kunal Kumar and Gulab Rai caught hold of the informant's cousin Pritam Bhardwaj and accused petitioner fired on neck of the informant's cousin and the informant's cousin died while he was being taken to Darbhanga Medical College and Hospital.

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Learned senior counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that the trial of the case begun and the prosecution has deposed three witnesses and they have not supported the case of the prosecution and even the informant has not supported the case of the prosecution and the petitioner is in custody since 13.05..2022.

Learned APP for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Samastipur in connection with Chakmehsi P.S. Case No. 70 of 2022,with 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

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on his/her absence on two consecutive dates without sufficient reason, his/her 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)

Nitesh/-

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