

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5294 of 2024

Arising Out of PS. Case No.-272 Year-2020 Thana- RANIYATALAB District- Patna

Devanshu Kumar @ Dewanshu Kumar @ Chhotu Son of Late Krishnadhar
Singh R/o vill - Kab, P.s - Rani Talab, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Kumar Prabhakar

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Rani Talab P.S. Case No. 272 of 2020 registered for the offences
punishable under Sections 456, 504, 506, 307/34 of the IPC and
Section 27 of the Arms Act.

3. As per prosecution case, co-accused Anand
Singh fired upon the informant as a result of which he sustained
injury on his leg. It is further alleged that co-accused Dibyanshu
Kumar and Manish Kumar came in the house of informant in
search of informant's son to kill him.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
surfaced in the present case upon the confessional statement of



co-accused Dibyanshu Kumar. Except confessional statement of co-accused Dibyanshu Kumar, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 20.07.2023 and bears criminal antecedent of two cases in which he is on bail. Learned counsel submits that petitioner has been remanded in the present case from Rani Talab P.S. Case No. 283 of 2020. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not in way connected with the alleged occurrence. He further submits that co-accused Dibyanshu Kumar@ Anshu has already been granted bail vide Cr. Misc. No. 18152 of 2022 by the co-ordinate Bench of this Court and the case of present petitioner stands on better footing keeping in view that petitioner is not named in the FIR.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into



consideration the material available on record, 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 A.C.J.M-II, Danapur in connection with Rani Talab P.S. Case No. 272 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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