

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4806 of 2024

Arising Out of PS. Case No.-92 Year-2019 Thana- GHORASAHAN District- East
Champaran

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Sumit Kumar @ Raj Tilak S/O Ashok Singh, R/o Village- Tajiypur, PS-
Pipra, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate
For the Opposite Party : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-07-2024 Heard Mr. Abhishek Kumar, the learned counsel

for the petitioner and Mr. Umeshanand Pandit, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

09.05.2022, in connection with STR No. 941 of 2022, arising

out of Pipra P.S. Case No. 92 of 2019, FIR dated 18.03.2019,

registered for the offences punishable under Sections 302 and

120(B) read with Section 34 of the Indian Penal Code and under

Section 27 of the Arms Act.

3. According to the prosecution case, the accused

persons opened fire upon Shambhu Prasad and Siyaram Mahto

due to which both of the died. It is further alleged that in the

year 2017, the accused Awadhesh Sah and his supporters had



also committed murder of informant's elder brother namely, Surendra Sah.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR and his name has transpired during investigation on the basis of confessional statement of the wife of the deceased namely, Anjali and statement of the co-accused person that the petitioner and one Suman Saurabh had opened fire upon the victim. He further submits that no one is the eyewitness of the alleged occurrence and bare perusal of the FIR it appears that the informant has levelled allegation against the co-accused persons namely, Awadhesh Sah, Madan Sah, Pradeep Sah and Suman Saurabh and the informant has not stated anything in the FIR about the involvement of the petitioner and he has made accused only on the ground due to his previous criminal antecedents. He further submits that the co-accused persons namely, Hiralal Prasad Yadav, Upendra Sah and Pradeep Sah @ Pradeep Kumar have been granted anticipatory bail by this Court as well as other co-ordinate Benches of this Court vide orders dated 23.01.2020, 26.06.2020 and 22.07.2021 passed in Cr. Misc. No. 82029 of 2019, Cr. Misc. No. 85041 of 2019 and Cr. Misc. No.



38104 of 2020 respectively. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 09.05.2022.

5. Vide order dated 10.05.2024, a report was called for with regard to the stage of the trial and report dated 15.05.2024 of the learned trial Court reveals that out of thirteen chargesheeted witnesses, prosecution has not examined any witness as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 09.05.2022, for about two years.

7. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that name of the petitioner has transpired during investigation and there is specific allegation against the petitioner that he along with other co-accused persons have opened fire upon the victims. Apart from that, petitioner carries thirty-two criminal cases other than the present one, but fairly admits on the basis of paragraph no. 3 of the bail petition that out of thirty-two cases, he is on bail in 8 cases.



8. Considering the aforesaid facts and circumstances, period of custody and the report of the learned trial Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned 12th Additional Sessions Judge, Motihari, East Champaran, in connection with **Pipra P.S. Case No. 92 of 2019**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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