

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17192 of 2024

Arising Out of PS. Case No.-237 Year-2023 Thana- BARHARA KOTHI District- Purnia

Roshan Kumar Son Of Sachen Yadav R/O-Devri P.S.-Barahara Distt.-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Barahra P.S. Case No. 237 of 2023, lodged on 19.06.2023, under Sections 147/148/149/341/323/302/307/448/504/506/509 of the Indian Penal Code and under Section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against 16 named accused persons including the present petitioner. In the FIR specific allegation against accused Sanoj Yadav to make gun shot to the informant's son. Subsequent specific allegation against Shubham Kumar who has caused gun shot to the informant's wife due to which she died on the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel



submits that it is true that he is one of the accused out of 16 whose name is described in the FIR but nothing specific alleged against the present petitioner. The petitioner is in custody since 22.12.2023 having no criminal antecedent. Counsel also submits that other co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 29.11.2023 passed in Cr. Misc. Case No. 74119 of 2023.

5. Learned counsel for the State opposes the prayer for bail and submits that though there is no allegation of any act or overt-act against the petitioner but he is member of the mob who killed the wife of the informant and also commission of gun shot to the son of the informant.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Barahara P.S. Case No. 237 of 2023 subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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