

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17751 of 2024

Arising Out of PS. Case No.-135 Year-2020 Thana- FATEHPUR District- Gaya

Shashi Bhushan Kumar @ Chulbul Kumar Son of late Sudhir Singh Resident
of vill.-Dhangaon, P.S.-Fatehpur, Distt.-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the State : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-04-2024 Heard Mr. Shashank Shekhar, learned counsel for the

petitioner and Dr. Mrityunjaya Kumar Gautam, learned A.P.P.

appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Sessions Trial No. 211 of 2013 arising out of Fatehpur P.S. Case
No. 135 of 2020, FIR dated 21.06.2020 registered for the
offence under Sections 147, 148, 149, 341, 323, 324, 302, 379,
427 and 120(B) of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was rejected
vide order dated 14.07.2023 passed in Cr. Misc. No. 21445 of
2023.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the petitioner is rotting in



judicial custody since 07.11.2022 and till date charge has not been framed in the present case.

5. Vide order dated 13.03.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 22.03.2024 reveals that charge has not been framed as yet.

6. Learned APP for the State vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries two cases other than the present one but fairly submits on the basis of the paragraph no-3 of the bail petition that the petitioner is on bail in all the pending matters.

7. Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail **after framing of the charges** on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XI, Gaya in connection with Sessions Trial No. 211 of 2023 arising out of Fatehpur P.S. Case No. 135 of 2020 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



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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