

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63066 of 2023

Arising Out of PS. Case No.-240 Year-2022 Thana- BACHHWARA District- Begusarai

SUMIT KUMAR Son of Bhola Chaudhary R/o Hajipur - Pipra, P.S. -
Barauni, Distt. - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 23-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bachhwara P.S. Case No. 240 of 2022 registered for the offences punishable under Sections 307, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, two miscreants riding on a motorcycle shot at the informant as a result of which informant sustained pellet injury in the right rib and said pellet came out through right stomach. It is also alleged that the miscreants also fired on another person on the way. Hence, FIR has been registered against unknown.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR. He further submits that



petitioner was arrested in Barauni (Chakiya O.P.) P.S. Case No. 438 of 2022 and he confessed regarding his involvement in the present case also, as mentioned in the impugned order. He further submits that confessional statement before the police has no evidentiary value in the eye of law. Except confessional statement of petitioner, there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that petitioner has not been put on TIP as yet. Petitioner is in custody since 25.03.2023. Learned counsel through supplementary affidavit submits that petitioner has criminal antecedent of altogether nine cases. He further submits that petitioner has been falsely implicated in a case one after another in a routine manner which have been registered against unknown. Basically, petitioner is quite innocent and has not committed any offence as alleged in the FIR. No incriminating article has been recovered from conscious possession of the petitioner. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Yuvraj Kumar Singh @ Sonu Kumar @ Yuvraj Kumar has already been granted bail by a co-ordinate Bench of this court vide Cr. Misc. No. 77211 of 2023. Similarly, co-accused Sonu Singh @ Motka @ Sonu Kumar and



Abhishek Kumar have also been granted bail by a co-ordinate Bench of this court vide Cr. Misc. No. 57982 of 2023 and the case of present petitioner stands on similar footing and on the principle of parity, he also deserves bail.

5. The learned A.P.P. for the State 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 Chief Judicial Magistrate, Begusarai in connection with Bachhwara P.S. Case No. 240 of 2022, 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)

shahzad/-

U		T	
---	--	---	--

