

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70359 of 2024**

Arising Out of PS. Case No.-1539 Year-2022 Thana- PHULWARISHARIF District- Patna

Shesh Kumar @ Sheshnath @ Sheshnath Kumar @ Shesh Singh Son of Late  
Janki Singh Resident of Sonama (Sonawan), P.S. - Didarganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nityanand Kumar, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**

ORAL ORDER

2      27-09-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with Phulwarisharif P.S. Case No. 1539 of 2022 dated 14.12.2022, instituted for the offence punishable under Sections 396, 397 of the Indian Penal Code and Section 27 of the Arms Act in which charge-sheet has been submitted under Sections 396, 397, 412, 413 of the I.P.C. and Section 25(1-B)A, 26, 27 and 35 of the Arms Act.

3. The prosecution case, in brief is that on 13.12.2022 at about 9:40 pm, while informant was sitting in his friend's house namely, Rajiv Ranjan, three unknown miscreants with guns entered the house and tried to snatch gold chain from the said friend. When the informant's friend tried to take out his



pistol, one of the miscreants fired gun shot on him. Thereafter the said father of the friend came to the place of occurrence, miscreants fired gun shot on him as well. It is further alleged that another three miscreants tried to enter the house and they fired gun shot to the friend's brother. All three victims were grievously injured and taken to the hospital, where Rajiv Ranjan was declared dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that F.I.R. has been lodged against six unknown persons and petitioner has been made accused in this case only on the basis of confessional statement of co-accused Mithlesh Kumar, who has been granted bail by this Court on 18.10.2023 vide Criminal Miscellaneous No. 67677 of 2023. It is further submitted that no incriminating articles has been recovered either from the conscious possession or from the house of the petitioner. It is further stated that no T.I.P has been conducted as yet. It is next submitted that similarly situated co-accused namely, Naroj Kumar has been granted bail vide order dated 14.07.2023 passed in Criminal Miscellaneous No. 41646 of 2023 and Rajesh Kumar has been granted bail vide order dated 09.08.2024 passed by this Court in Criminal



Miscellaneous No. 53725 of 2024. Lastly, it has been submitted that the petitioner has been remanded in this case from other case and is in custody since 20.03.2023, he has seven criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- XIV, Patna, Distt- Patna in Phulwarisharif P.S. Case No. 1539 of 2022, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in



any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

**(Khatim Reza, J)**

Sankalp/-

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