

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73880 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- SAHPUR District- Patna

Monu Kumar @ Monu Sarkar Son of Rajeshwar Prasad @ Rajeshwar Ray
R/O Vill- Shiwalapar, Near Shiv Mandir, Neura, P.S.-SHAHPUR, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and

learned A.P.P for the State.

2. The petitioner seeks bail in connection with
Shahpur P.S. Case No. 47 of 2024 dated 28.01.2024
registered for the offence punishable under Sections 147,
148, 149, 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. The allegation against the petitioner and others is
that on the alleged date of occurrence they came and shot
dead the husband of the informant, namely, Satyendra
Prasad when he was returning home after closing his Betel
Shop and thereafter they fled away.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that from perusal of the F.I.R., it is clear that the informant is not an eye witness to the occurrence. Learned counsel for the petitioner submits that the police got information about the occurrence at 10:30 PM on 27.01.2024 and the inquest report was prepared at 2:10 AM on 28.01.2024 and postmortem was done on the same day at 10:45 AM. Thereafter, the F.I.R. was lodged at 3:35 PM on 28.01.2024. It is submitted that there is no specific allegation against the petitioner rather the allegation against the petitioner is general and omnibus. It is submitted that there is no eye witness to the said occurrence. It is further submitted that during the investigation none has claimed himself to be the eye witness to the occurrence. It is submitted that other co-accused persons have been granted bail by this Court *vide* Annexure-P3 Series. Lastly, it has been submitted that the petitioner is in custody since 29.01.2024, having three criminal cases against him and charge-sheet has been submitted in the case.



5. Learned A.P.P for the State opposes 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 Judicial Magistrate-Ist Class, Danapur, Patna in connection with Shahpur P.S. Case No. 47 of 2024, 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)

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