

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78073 of 2023

Arising Out of PS. Case No.-436 Year-2022 Thana- GOVINDGANJ District- East
Champaran

=====

JANAK SAH @ JANAK KUMAR @ DEEPAK KUMAR S/O MUNNILAL
SAH @ MUNNI SAH R/O VILLAGE- CHHAPRA BAHAS, P.S-
SUGAULI, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 10-05-2024 Heard the parties.

2. The petitioner is in custody in connection with Govindganj (Areraj) P.S. Case No. 436 of 2022 registered for the offences under sections 302, 120(B) and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 20.08.2022 by the informant, Ashwni Kumar.

3. As per the prosecution story, the short FIR alleges that the accused persons shot dead one Sanjay Kumar Thakur on the gate of the Civil Court, Areraj, East Champaran.

4. Learned counsel for the petitioner submits that the the FIR has been lodged against unknown. Subsequently, one Ayush Kumar was apprehended in course of investigation and and he gave the name of accused which included one



Harishankar Kumar. Subsequently, Harishankar Kumar was also taken into custody and he gave the name of the petitioner and in that way, he came to be implicated, he do not have criminal antecedent and further submission is that both Hari Shankar Kumar and Ayush Kumar have subsequently been extended privilege of bail vide Cr. Misc. No. 26967 of 2023 and Cr. Misc. No. 36885 of 2023 respectively by co-ordinate Benches.

5. Learned APP opposes the prayer for bail stating that the alleged occurrence took place at the gate of the Civil Court, Areraj.

6. Though, the crime is heinous, the accused persons chose a place where they themselves appear seeking justice, in view of the fact that the person (Hari Shankar Kumar) on whose confessional statement, the name of the petitioner cropped up has since been granted bail, as stated above, this Court is also inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Govindganj (Areraj) P.S. Case No. 436 of 2022 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

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

(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 his bail bonds.

(Rajiv Roy, J)

kiran/-

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

