

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86595 of 2024

Arising Out of PS. Case No.-5 Year-2023 Thana- MEHSI District- East Champaran

Ujala Kumar @ Ujjawal Kumar S/o- Punna Lal Bhagat Village- Bathna Ps-
Mehsi District- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha, advocate
For the State : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2024 Heard Mr. Rakesh Kumar Sinha, learned counsel
for the petitioner as well as Mr. Murli Dhar, learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
01.08.2024, in connection with Mehsi P.S. Case No. 05 of 2023
(G.R. No. 284 of 2023), FIR dated 13.01.2023 registered for the
offence under Sections 326, 307 and 120(B) of the Indian Penal
Code and Section 27 of the Arms Act.

3. As per the prosecution case, when the informant
along with her daughter-in-law and son was sitting near the fire
in front of her house when a man aged about 25 years came and
asked the way to Muzaffarpur and he went away. In the
meantime, the informant's husband and his son sat near the fire
then again after some time both the persons came and asked



about the Muslim person then informant and his family member told that they do not know about the said person. On this that person opened fire on informant's husband and ran away. Later on villagers took the informant's husband to Mehsi Primary Health Centre from where he was referred to Muzaffarpur for better treatment.

4. Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and he has falsely been implicated in this case. He further submits that although the petitioner is not named in the F.I.R. the name of the petitioner has been transpired in this case during the investigation on the basis of the confessional statement of the co-accused person, namely, Pankaj Kumar which was recorded in para-28 of the case diary and except the aforesaid no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 01.08.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts, petitioner is not named in the FIR, name of the petitioner has been transpired in this case on the basis of the confessional statement of the co-accused person and petitioner having clean antecedent, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran in connection with Mehsi P.S. Case No. 05 of 2023 with the following conditions:-

(i) 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.

(ii) 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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