

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 84710 of 2023

Arising Out of PS. Case No.-87 Year-2019 Thana- RAMGARHWA District- East Champaran

Ajay Shukla S/O Sajawal Shukla R/O Vill- Panchbhidiya P.S.Ramgrahwa,
Dist- East Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sugauli P.S. Case No. 87 of 2019 lodged under Sections 302/34
of the I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against the present petitioner along with eleven other
named accused persons. As per the F.I.R., it has been alleged
that all the accused persons reached near road and surrounded
the informant's son and forcefully taken from the said place.
The specific allegation has been made against one Pawan Yadav
that he has fired on the informant's son due to which he was
instantly died. The allegation has been made that the other
accused persons fled away from the said place.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits



that there was enmity going on between the informant and the petitioner's family since long in which brother of the petitioner was killed for which trial was going on and in the said trial, the informant's side was convicted.

5. Counsel also submits that due to long pending enmity, the informant always used to take revenge from them and in continuation of the same, the brother-in-law of the petitioner has also been accused in the same case in which brother-in-law has been granted anticipatory bail vide Annexure-P/3 of the bail petition, by the Co-ordinate Bench of this Court vide order dated 02.11.2022 passed in Cr. Misc. No. 57/2022.

6. Counsel for the petitioner submits that petitioner is in custody since 29.09.2023. He submits that there are two criminal antecedent of the petitioner in which he is on bail in one case and in another case, he is persuading for bail.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Raxual East Champaran at Motihari in connection with Sugauli P.S. Case



No. 87 of 2019, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

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

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

(Dr. Anshuman, J.)

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