

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85842 of 2023

Arising Out of PS. Case No.-178 Year-2021 Thana- SHEOHAR District- Sheohar

=====

RAJA KUMAR S/O LATE GAJENDRA SAHANI R/O PIPRADI SULTAN,
P.S- BERGANIA, DISTT.- SITAMADHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms.Ranjana Srivastava

For the Opposite Party/s : Mr.Murli Dhar

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-02-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Sheohar P.S. Case No. 178 of 2021 registered for the

offences punishable under Sections 307, 394 of the Indian

Penal Code and 27 of the Arms Act.

3. As per prosecution case, on 04.06.2021

informant proceeded towards Kushhar on bicycle and when

he reached near Hanuman Mandir situated between

Mathurapur and Fatehpur, two persons on motorcycle

stopped the bicycle of informant and threatened to give

mobile. It is further alleged that one of the miscreants shot



fire causing bullet injury on the informant's right hand.
Hence, FIR has been registered against unknown.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He further submits that petitioner is not named in the FIR and his name has been surfaced upon the confessional statement of co-accused Karan Sahani and petitioner has been remanded in the present case from Dhaka P.S. Case No. 425 of 2021 on the basis of confessional statement of co-accused Karan Sahani. Except confessional statement of co-accused Karan Sahani, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Learned counsel orally submits that no incriminating article has been recovered from possession of the petitioner and he has not been put on TIP. Petitioner is in custody since 12.07.2022. Petitioner bears criminal antecedent of two cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Moreover, on similar allegation, co-accused



Chhotelal Mahto @ Chhote Mahto has already been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 457 of 2023 and on the principle of parity, petitioner deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused on similar allegation has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 178 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has



sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

shahzad/-

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

