

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.891 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Mohan Kumar Son Of Shankar Yadav Resident Of Village - Kaithma, P.S. -
Muffassil, District - Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvottam Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Mufassil P.S. Case No. 97 of 2023 lodged under Sections 302,
201, 120B and 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 three named accused persons (not against the
present petitioner) against whom the suspicion has been raised
by the informant in the F.I.R.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that name of the petitioner has come by virtue of confessional
statement of Chandan Kumar and Sanjay Kumar. He submits
that the named accused persons, namely, Brijnandan Kunwar
and Dayanand Kunwar and two unknown accused persons,



namely Sanjeet Kumar and Ram Bharos Kunwar were granted bail by the Co-ordinate Bench of this Court which is annexed in Annexure-P/2 of the bail application.

5. Counsel further submits that petitioner's antecedent is not clean and there is one criminal case pending against the petitioner in which he is on bail.

6. Learned counsel for the State opposes the prayer for bail and submits that from the rejection order, it transpires that the petitioner is accused in this case and in the various paragraphs of the case diary, the name of the petitioner has figured.

7. Upon specific query whether charge has been framed or not. Counsel submits that he is not aware about framing of charge.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st -cum- A.M. Begusarai in connection with Mufassil P.S. Case No. 97 of 2023, 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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