

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74296 of 2024

Arising Out of PS. Case No.-303 Year-2022 Thana- KALYANPUR District- Samastipur

Bhushan Sah @ Shashi Bhushan Sah Son of Lakho Sah Resident of Village
-Maniyarpur PS -Kalyanpur District -Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the State : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-01-2025 Heard Mr. Bijay Bhushan Prasad, learned counsel
for the petitioner and Mr. Anil Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 13.03.2023, in connection with Sessions Trial No. 495 of 2024 arising out of Kalyanpur P.S. Case No. 303 of 2022, F.I.R. dated 28.09.2022 registered for the offences punishable under Sections 341, 302, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to the prosecution case, petitioner is alleged to have fired gun shot indiscriminately upon the informant and his father, in which his father was done to death.

4. Earlier the bail petition of the petitioner was rejected vide order dated 18.09.2023 passed in Cr. Misc. No. 39462 of 2023 and thereafter the petitioner has again moved for



bail in Cr. Appeal (SJ) No. 1671 of 2024 but the same was rejected vide order dated 28.06.2024.

5. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that although there is specific allegation against the petitioner that he has fired upon the deceased and one of the witness Ram Sunil Paswan stated during investigation that the petitioner has fired upon the deceased and two other persons also fired upon the deceased.

6. Learned counsel for the petitioner further submits that he has filed a supplementary affidavit annexing the deposition of the witness no. 1, namely, Ram Sunil Paswan who has stated in his deposition that he has not seen that who has fired upon the deceased. He further submits that co-accused person namely Rajesh Kumar Sah @ Rajesh Sah has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 12.05.2023 passed in Cr. Misc. No. 9289 of 2023, another co-accused person namely Ghurghura Paswan @ Abhishek Ranjan has been granted bail by a Coordinate Bench of this Court vide order dated 21.06.2023 passed in Cr. Misc. No. 32912 of 2023. The petitioner is in custody since 13.03.2023.



7. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

8. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedents and similarly situated co-accused persons have been granted bail by a Coordinate Bench of this Court as well as the eye witness namely Ram Sunil Paswan has not stated anything about the petitioner in his deposition in the trial, 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 Additional Sessions Judge-VIIIth, Samastipur in connection with Sessions Trial No. 495 of 2024 arising out of Kalyanpur P.S. Case No. 303 of 2022, subject to the following conditions :-

(1) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) 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 antecedents, 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)

Ibrar//-

U			
---	--	--	--

