

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77866 of 2024

Arising Out of PS. Case No.-916 Year-2023 Thana- RUPASPUR District- Patna

Sanjeev Kumar Verma Son of Late Ramcharitra Singh R/o Village- Dhanaut,
P.S.- Rupaspur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rahul Kumar, Adv.
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Kumar Gautam, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.
Perused the case diary.

2. The petitioner seeks bail in connection with
Rupaspur P.S. Case No. 916 of 2023 instituted for the offences
under Sections 341, 448, 323, 302, 506/34 of the Indian Penal
Code and Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the
petitioner is of firing upon the Informant's uncle Naumi Sinha.
It is also alleged that the co-accused Praveen Kumar Singh has
also fired upon the Informant's father Shashi Bhushan Sinha and
his brother Amit Kumar Sinha and Informant's father, in course
of his treatment, succumbed to his injuries.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. Learned counsel for the petitioner further submits that on 28.11.2023, the Investigating Officer recorded the statement of the injured person namely Amit Kumar and Naumi Sinha but, both of them, did not disclosed the name of the petitioner of firing upon them. He further submits that nothing incriminating has been recovered either from the conscious possession of the petitioner or from the possession of other co-accused persons. Charge-sheet has been submitted in this case against the petitioner for offence under Sections 341, 448, 323, 307, 302, 506/34 of the Indian Penal Code and Section 27 of the Arms Act. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. Para 69 and 70 of the case diary contains the statement of the witness injured Amit Kumar and Naumi Sinha who have stated that the firing was made by the co-accused Pravin Kumar Singh. The petitioner has no criminal antecedent as has been stated in Para-3 of the present bail application and is languishing in judicial custody since 20.04.2024 without any rhymes or reason.



5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that there is specific allegation that the petitioner was present at the place of occurrence with the co-accused Praveen Kumar Singh when he fired upon the Informant's father Shashi Bhushan Sinha and his brother Amit Kumar Sinha. It is also alleged that the petitioner fired upon the Informant's uncle due to which he also sustained injuries. The postmortem report of the deceased supports the prosecution case. During treatment, the Informant's father succumbed to his injuries. Several witnesses have supported the prosecution case. The Informant in his further statement contained in para-6 of the case diary has corroborated his earlier version.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rupaspur P.S. Case No. 916 of 2023 , subject



to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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