

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23801 of 2018

Arising Out of PS. Case No.-229 Year-2017 Thana- JAGDIHSPUR District- Bhojpur

Rahul Kumar @ Anil Son of Ramesh Singh, Resident of Village-Siaruan,
P.S.-Jagdishpur, District-Bhojpur at Ara (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastriji, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-04-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner had earlier moved for bail, which was rejected vide order dated 19.02.2018 passed in Cr. Misc. No. 3528 of 2018 with liberty to renew his prayer for bail after framing of charge. Petitioner is languishing in judicial custody since 28.08.2017 in connection with Sessions Trial No. 63 of 2018 arising out of Jagdishpur P.S. Case No. 229 of 2017 registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while her son Vishal Kumar was on his way to coaching classes, petitioner along with five other co-accused fired on his son, who succumbed to the fire-arm injuries.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and on suspicion, he has been made accused. He submits that one of the co-accused Ujjwal Kumar @ Ujjwala Singh @ Golu Kumar @ Golu has been granted the privilege of pre-arrest bail by a coordinate Bench of this Court in Cr. Misc. No. 56790 of 2017 on 19.12.2017. He submits that there is no eye-witness to the alleged occurrence and charges have already been framed on 24.03.2018. He undertakes to cooperate in the trial on day to day basis and not to tamper with the prosecution witnesses.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner, who was one of the co-accused, is alleged to have fired on the son of the informant and there is also an eye-witness.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VIth, Bhojpur at Ara in connection with Sessions Trial No. 63 of 2018 arising out of Jagdishpur P.S. Case No. 229 of 2017, subject to the conditions that:



(1) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioner.

(2) The petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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