

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38982 of 2018

Arising Out of PS. Case No.-221 Year-2018 Thana- NAUBATPUR District- Patna

Ajay Kumar @ Brind Kishore S/o Late Kedar Singh, R/o Vill.- Chhoti Tengrailla, P.S.- Naubatpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Naubatpur
P.S. Case No. 221 of 2018 for offences punishable under
Sections 302, 120(b), 307, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he and his elder brother Uma Shankar Sharma had
gone to the market to buy vegetables in his motorcycle, the
petitioner along with two others showed them to 4-5 persons
including co-accused Rahul Kumar and Deepak Kumar.
Allegation upon co-accused Rahul Kumar is of firing on his
brother Uma Shankar Sharma, who died on the spot and
allegation upon co-accused Deepak Kumar is of firing on the



informant, but he escaped. It is further alleged that the said co-accused Rahul Kumar and Deepak Kumar had killed his nephew Dheeraj kumar two years back due to some money dispute.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that no case under Section 302 of the I.P.C. is made out as the only allegation upon the petitioner is that he was a liner and had informed the other co-accused about the whereabouts of the informant and his brother, although, from the F.I.R. it is evident that the informant knew the name and parentage of all the co-accused as well as the petitioner and there was previous enmity due to money dispute. He further submits that no assault or firing is alleged against the petitioner and the petitioner is ready to co-operate in the investigation/trial.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of six months in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial



Magistrate-2nd, Danapur in connection with Naubatpur P.S.

Case No. 221 of 2018, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/Pragya

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