

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12543 of 2019

Arising Out of PS. Case No.-338 Year-2017 Thana- BARHARA District- Bhojpur

Akshay Kumar @ Akshay Sharma, aged about 22 years, Gender-Male, Son of Kamod Kumar Sharma, Resident of Village-Bank, P.S.-Akorhigola Dist-Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-03-2019 Learned counsel for the petitioner is permitted to make necessary correction in the petition.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 24.12.2017 in a case registered for the offence punishable under Section 396 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Santosh Kumar recorded by S.I., Panchratan Ram of Barhara Police Station on 14.11.2017 at 8.00 A.M. is to the effect that on the same day at 4.00 A.M., the informant met his friend Saurabh Kumar for going to Bakhorapur Kali Temple with a Scorpio vehicle which was driven by his friend Saurabh Kumar in which



six unknown persons were also sitting, but on way, four persons sitting in the Scorpio vehicle requested to stop the vehicle for urination and thereafter, they shot at Saurabh Kumar who died at the spot. The accused persons also fired on the informant but it did not cause any injury to the informant and fled away, leading to registration of FIR against six unknown persons. During investigation, the name of the petitioner sprang up on confession of co-accused Krishna.

It is submitted by learned counsel for the petitioner that neither there is any recovery from the petitioner nor has the petitioner been put on T.I. Parade. Though, the petitioner is accused in one another case but he is on bail in that case. It is further submitted that similarly situated co-accused Rajan Kumar, Ujjawal Kumar Gupta, and Saheb have been granted bail by different Co-ordinate Benches of this Court vide Cr. Misc. Nos. 72872 of 2018, 70815 of 2018 and 60305 of 2018 respectively.

Learned APP submits that the name of the petitioner sprang up on confession of co-accused Krishna.

Considering the fact that neither there is any recovery from the petitioner nor the petitioner has been put on T.I. Parade and similarly situated co-accused persons have been granted



bail, let the above named petitioner be released on bail, on
furnishing bail bond of Rs.10,000/- (Ten thousand) with two
sureties of the like amount each to the satisfaction of learned
Chief Judicial Magistrate, Bhojpur at Ara in connection with
Barhara P.S. Case No. 338 of 2017.

(Dinesh Kumar Singh, J)

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