

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2127 of 2019

Arising Out of PS. Case No.-473 Year-2017 Thana- ARA NAWADA District- Bhojpur

Rahul Kumar, son of Jai Kumar Prasad @ Jay Kumar, resident of Mohalla-
Maula Bagh, P.S-Ara(Nawada),Distt.-Bhojpur(Ara) ...
Petitioner

Versus

The State Of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Chandan Kumar Verma, Adv.

For the Opposite Party : Mr. Indra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 16-01-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner had earlier moved for bail which was rejected on 04.04.2018 in 10589 of 2018. The petitioner is languishing in judicial custody since 28.11.2017 in connection with Ara Nawada P.S. Case No. 473 of 2017 for the offences alleged under Sections 324, 326 and 307/34 of the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while he was sitting on the stairs of the shop of his uncle, along with his friend, Amit Kumar, the petitioner along with two other accused, came on a motorcycle. While the petitioner was riding the motorcycle, two other pillion riders fired indiscriminately on the informant and his friend, who were injured on the right side of the waist, hips and knee.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no overt-act has been



alleged against the petitioner and charge sheet has already been submitted. He, further, submits that the injury has been found to be simple and the petitioner is languishing in judicial custody since more than one year.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent, although he is involved in a case of different nature earlier.

Considering the facts and circumstances and the materials on record, as well as the period of custody, 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 in connection with Ara Nawada P.S. Case No. 473 of 2017 to the satisfaction of the learned Additional Chief Judicial Magistrate, I, Bhojpur at Ara, subject to the condition that 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.

(Nilu Agrawal, J)

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