

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32636 of 2021

Arising Out of PS. Case No.-17 Year-2020 Thana- NTPC District- Patna

SONI KUMAR @ SONI S/O LATE RAJENDRA RAI @ RAJENDRA
PRASAD YADAV R/O BUDHRA, P.S-ATHMALGOLA, DISTRICT-
PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
Ms. Usha Kumari Singh, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-12-2021 Heard Mr. Bijay Bhushan Prasad, learned counsel for
the petitioner and Ms. Usha Kumari Singh, learned Additional
Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with NTPC
P.S. Case No. 17 of 2020 registered for the offences punishable
under Sections 302, 307/34 of the Indian Penal Code 1860 and
Section 27 of the Arms Act.

The prosecution case as per the First Information
Report is that the marriage ceremony of the son of the
informant was going on, in which, two Dancers were called for
their performance. It has further been alleged that during
celebration, 5-6 boys arrived and stopped the Dancers which led
to a fight and hot exchange of words between the two sides and



the accused persons started firing, as a result of which, Manoj Kumar, Jai Prakash Yadav and Amit Kumar received gun shot injuries. One person was apprehended who disclosed his name as Jitendra Kumar and he further disclosed that his brother Indrajit Kumar resorted to firing. He also disclosed the name of other co-accused and the petitioner. Amit Kumar who had received firearm injury, died on the way to the Hospital.

Learned counsel for the petitioner submits that no overt act has been alleged against the petitioner and Jitendra Kumar who was apprehended on the spot, disclosed the name of his brother Indrajit Kumar who had resorted to firing leading to death of Amit Kumar. Learned counsel further submits that said Jitendra Kumar has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No.26927 of 2020 and co-accused Rakesh Kumar as well as Nitish Kumar have also been granted bail by a co-ordinate Bench of this Court in Cr. Misc.23302 of 2020. The petitioner is in custody since 20.01.2021.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that similarly situated co-accused persons have been granted bail by co-ordinate Benches of this Court, the petitioner is in custody since 20.01.2021 and charge sheet has already



been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri P.K. Tiwary, learned Judicial Magistrate, 1st Class, Barh, Patna, in connection with NTPC P.S. Case No. 17 of 2020 that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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