

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38602 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- NAVINAGAR District- Aurangabad

RAHUL KUMAR Son of Late Ambika Singh Resident of Village - Simari
Jaitia, P.S.- Nabinagar, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Nabinagar P.S. Case No.
83 of 2020 corresponding to Sessions Trial No. 56 of 2021,
registered for the offence punishable under Sections 302,
120(B)/34 of the Indian Penal Code and section 27 of the Arms
Act.

As per the prosecution case, 08 FIR named accused
persons including petitioner and 5-6 unknown persons
surrounded the informant's elder brother and his cousin brother
and it is alleged that on the order of co-accused Anil Kumar
Singh co-accused Niraj Kumar caused firearm injury to the
brother of informant resulting into his death.

It is submitted on behalf of the petitioner that specific



allegation of firing is against co-accused Niraj Kumar and there is no specific allegation against this petitioner and he is having clean antecedent and is in custody since 26.12.2020. Moreover, similarly situated co-accused has been granted bail by this Hon'ble Court vide order dated 05.02.2021 passed in Cr. Misc. No. 37864 of 2020.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge IX, Aurangabad in connection with Nabinagar P.S. Case No. 83 of 2020 corresponding to Sessions Trial No. 56 of 2021, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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