

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28990 of 2020

Arising Out of PS. Case No.-128 Year-2017 Thana-PHULWARIA District- Begusarai

Rahul Kumar @ Shankar @ Foter (Male) aged about 24 years, s/o late Sudhir Singh, Resident of village-Malti P.O.Pipra Devas, P.S. Phulwaria, District-Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner	:	Mr. Vinod Gautam Advocate
For the State	:	Ms. Pronoti Singh APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 28-06-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

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

3. The petitioner seeks bail in Phulwaria PS Case No. 128 of 2017, GR No.4012 of 2017 instituted for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

4. Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

5. The prosecution case alleges that informant has received information about his brother lying in a precarious condition at a hospital. On reaching there, he has found his brother dead. One Sajjan Shekhar Thakur told the informant that he was going with the victim on a motorcycle when they were



intercepted and shot at.

6. The learned counsel for the petitioner submits that the FIR is against unknown persons. On alleged confessional statements of co-accused Rohit Kumar, the petitioner has been implicated in this case. The petitioner's implication has not led to any recovery. Till date, he has not been put on Test Identification Parade. He is made accused in Phulwaria P.S. Case No. 134 of 2017, in which, he is accused since before. Co-accused Rohit Kumar, who has stated about the petitioner's involvement, has already been allowed bail in Cr. Misc. No. 31615 of 2018. The petitioner is in custody since 07.12.2019.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, let the petitioner, above named, 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 the learned **JM Ist Class, Begusarai** in connection with **Phulwaria PS Case No. 128 of 2017, GR No. 4012 of 2017**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

