

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38109 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- ISHIPUR District- Bhagalpur

RAJESH KUMAR KUSHWAHA@ Rajesh Kuswaha son of Late Ram
Govind Mahto Resident of Village- Rajgaon, P.S. Ishipur, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr.Pravin Kumar Sinha Miss Preety Kunwar
For the informant	:	Mr. Deepak Kumar Sinha
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-02-2021 Heard learned Senior Counsel for the petitioner and

learned Additional Public Prosecutor for the State as well as

learned counsel for the informant.

The petitioner is in custody since 17.06.2020 in
connection with Ishipur Barahat P.S. Case No. 39/2020
registered for the offences punishable under Sections 341/326/
307/34 of the Indian Penal Code and Section 27 of the Arms
Act.

As per the prosecution case, the informant along with
Bhupendra Kumar Mandal was going to his house on
motorcycle when they reached Pyalapur near Bhutala Pond, this
petitioner along with other co-accused persons intercepted them
and dashed his motorcycle. It is further alleged that this



petitioner opened fire which did not hit them.

It is submitted on behalf of the petitioner that though the petitioner named in the FIR and he is said to have fired at the informant, but has not caused any fire-arm injury. It is further submitted that fire-arm injury is said to have been caused by co-accused Bittu, not this petitioner. Chargesheet has already been submitted this case. Petitioner has got no criminal antecedent and he is in custody since 17.06.2020.

However, learned counsel appearing on behalf of the informant vehemently opposed the bail application and submitted that there is allegation of firing upon the informant against this petitioner with a motive to kill him.

Considering the aforesaid facts and circumstances, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Ishipur Barahat P.S. Case No. 39/2020, subject to following conditions:-

- (1) 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 on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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