

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11128 of 2021

Arising Out of PS. Case No.-77 Year-2020 Thana- JAKKANPUR District- Patna

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AJAY KUMAR @ PUNIT S/O Phaguni Ram Resident of Mohalla -
Chandpur Bela, P.S. Jakkanpur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Adv.

For the Opposite Party/s : Mr. Yogendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 09-08-2021 In view of sudden resurgence of COVID-19 infection

there is limited functioning of the High Court and therefore the

matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the
learned APP for the State.

This Court would expect that the petitioner's Counsel
would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in Jakkanpur PS Case No.77 of
2020, registered under Sections 307/34 of the Indian Penal Code
and Section 27 of Arms Act.

There is allegation that the informant's husband had
gone outside for procurement of some household items. Later



on, informant has been informed that her husband has been killed.

Learned counsel for the petitioner submits that petitioner is not named in the FIR. He has been remanded in this case on 12.05.2020 i.e., four months after lodging of the F.I.R. on 29.01.2020. It is submitted that co-accused Tuntun Sao has stated before the police regarding illicit relation of his wife with the informant's husband and therefore, he along with petitioner and others tried to kill him. It is submitted that involvement of several persons is not corroborated by the informant. Only one injury has been found on the head of the victim. Till date the victim has also not been examined and petitioner continues to be in custody since 12.05.2020.

Learned APP has opposed the prayer for bail and submitted that petitioner is habitual offender and the statement of witnesses has been recorded in para 12 and 18 of the case diary which shows that he has been identified by CCTV footage, he, however, is not in a position to say whether CCTV footage has been seized.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the



petitioner's counsel. Prayer for bail of the petitioner is allowed.
Let the petitioner above named be released on bail on furnishing
bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of
the like amount each to the satisfaction of learned A.C.J.M. 1st,
Patna, in Jakkanpur PS Case No. 77 of 2020, 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)

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