

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10504 of 2021**

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

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ANKIT KUMAR Son of Anil Yadav Resident of Village - Raily, P.S.-
N.T.P.C., District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap,Advocate

For the Opposite Party/s : Ms.Sharda Kumari,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-05-2021 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Sharda
Kumari, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with N.T.P.C. P.S. Case No. 17 of 2020 registered for the
offences punishable under Sections 302, 307/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the
prosecution story, Barat of informant's son was going to Rally with
D.J. and two dancers. On way, 5-6 boys stopped the Barat and
started firing. Manoj Kumar, Jai Prakash Yadav and Amit Kumar
have received firearm injuries. One boy was apprehended by the
Barat party who disclosed his name as Jitendra Kumar and also



disclosed that his brother Inderjeet Kumar had fired. Amit Kumar died on the way to hospital.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no specific allegation against the petitioner. It is submitted that his name has transpired in this case in the confessional statement of co-accused Jitendra Kumar who has already been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 26927 of 2020. It is also submitted that similarly situated co-accused Rakesh Kumar and Nitish Kumar have already been granted bail. The petitioner is in custody since 01.07.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused Jitendra Kumar who was apprehended by the Barat party, the said Jitendra Kumar disclosed that his brother Inderjeet Kumar had fired, so far as the petitioner is concerned, he is named amongst the three other persons who had allegedly participated in the said occurrence but there is no specific allegation of firing against the petitioner, Jitendra Kumar has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 26927 of 2020 whereas the other co-accused similarly



situated, namely, Rakesh Kumar and Nitish Kumar have also been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 23302 of 2020, in course of submission learned APP for the State is unable to distinguish the case of the present petitioner from that of co-accused who have been granted bail, in the nature of the materials placed before this Court, as also considering that the petitioner has remained in custody in connection with the present case since 01.07.2020, investigation against him is complete, this Court directs release of the petitioner on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of Sri P.K. Tiwari, J. M. Ist Class, Barh, Patna in connection with N.T.P.C. P.S. Case No. 17 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the



criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

