

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5985 of 2022

Arising Out of PS. Case No.-130 Year-2020 Thana- MAHISHI District- Saharsa

Ashish Kumar @ Ashish Kumar Anand @ Mekwa @ Mekawa Yadav W/O
Ram Chandra Yadav R/o village- Basantpur, P.S.- Bakhtiyarpur (Balwahat
O.P.), District- Saharsa (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar 1, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within four
weeks from today.

The petitioner seeks regular bail in connection with
Mahishi P.S. Case No. 130 of 2020 instituted for the offences
punishable under Sections 147, 148, 149, 341, 323, 302, 504,
506, 120(B) of the Indian Penal Code and 25(1-B)a, 26, 35 and
27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 09.07.2021, charge-sheet has been
submitted in the case and has antecedent of 5 cases.

The prosecution case in short is that while the



informant and his younger brother were coming on motorcycle, eight named accused persons including the petitioner and five unknown persons killed his brother by gun shot. The informant somehow saved his life by fleeing away but his brother succumbed to the injury. It is alleged that the motive of the occurrence was a dispute that has happened one year back between his brother and one of the co-accused Suraj Yadav.

Learned counsel for the petitioner submits that the petitioner is a student, aged about 22 years. It is further submitted that the petitioner is innocent and he has wrongly been implicated in this case. Further, it is submitted that there is no eye-witness, so the informant has not stated that who has killed the deceased. Allegation of gun shot injury against of 13 accused persons. It is further stated that doctor examined the dead body and post mortem report found only two fire arm injury on his body. It is further submitted by the learned counsel for the petitioner that two other co-accused persons namely, Guddu Kumar vide Cr. Misc. No. 18469 of 2021 order dated 22.10.2021 and another co-accused namely, Aaditya Anand vide Cr. Misc. No. 16503 of 2021 order dated 17.11.2021 have been granted bail by this Hon'ble Court.

Learned A.P.P. for the State vehemently opposes the



prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 09.07.2021, charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Saharsa in connection with Mahishi P.S. Case No. 130 of 2020, subject to the 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 and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Khatim Reza, J)

Gaurav Kumar/-

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