

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7649 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- PARSABAZAR District- Patna

RAKESH KUMAR Son of Late Baidynath Singh Resident of Village-
Mokimpur, P.S.- Parsabazar, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sucheta Yadav

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-06-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

The petitioner seeks regular bail in connection with
Parsabazar P.S. Case No. 366/2021 instituted for the offences
punishable under Sections 341, 323, 307, 337, 504, 506/34 of
the Indian Penal Code and u/s 25 (1-b)A and 27 of Arms Act.

The learned counsel for the petitioner submits that
petitioner is in custody since 02.11.2021, charge-sheet has been
filed and has criminal antecedent of two cases.

The prosecution case in short is that the informant has
alleged that on 08.10.2021 at about 10.15 A.M. was sitting at the
door suddenly two persons Madhusudan Gope and Radhe Gope



came at the door of informant and he used to abuse and when informant came out of his house then the accused Madhusudan Gope shot at him to kill but he saved himself and one pellet hit at his door, in the mean time Kundan Kumar, Rakesh Kumar and other unknown person came and told to kill if lodged a case against them. It is also alleged that other co-accused persons started throwing small pieces of bricks on the house and further said that he has handed over one empty cartridge and live cartridge to the police.

Learned counsel for the petitioner submits that there is no allegation against the petitioner and general and omnibus allegation against the petitioner and other accused persons. Petitioner has also submitted that no one injured in the said bricks throwing. Hence Section 307 does not apply against the petitioner and no incriminating articles were recovered from the possession of the petitioner.

Petitioner is in custody since 02.11.2021 and chrgsheet has already been submitted.

Learned Additional Public Prosecutor opposed the bail petition.

In the aforesaid facts and circumstances of the case that the petitioner is in custody since 02.11.2021 and



chargesheet has been submitted in this 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 A.C.J.M.-VIII, Civil Court Patna in connection with Parsabazar P.S. Case. No. 366/2021, subject to the following conditions:-

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

(ii) One of the bailors will be his own blood relative, preferably father, mother, brother, sister and or his wife.

(iii) 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)

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