

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10331 of 2022

Arising Out of PS. Case No.-430 Year-2020 Thana- NAUBATPUR District- Patna

RAJU KUMAR Son of Dwarika Yadav, Resident of Village - Chhoti Tengraila, P.S. - Naubatpur, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Anita Kumari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Naubatpur P.S. Case No. 430 of 2020 lodged under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R., his name has figured in this case only and only on the basis of the confessional statement of co-accused, namely, Sujeet Kumar. He further submits that during investigation, also there is no direct or indirect legal evidence has come against him. He further submits that from the contents of F.I.R., the specific allegation is upon Sujeet Kumar who fired from his katta upon the informant, his son and

daughter-in-law and from whose gun shot, the informant's son died.

Learned counsel for the petitioner further submits that charge sheet has already been filed in this case and petitioner is in custody since 01.11.2021. He further submits that the petitioner has clean antecedent whereas other co-accused persons namely, Rahul Kumar and Manoj Kumar were granted bail by the Co-ordinate Bench of this Court vide order dated 15.06.2021 and 03.01.2022 passed in Cr. Misc. No.12901 of 2021 and Cr. Misc. No.41565 of 2021.

Learned A.P.P. has opposed the prayer for bail.

Considering the facts and circumstances of this case that charge sheet has already been submitted and petitioner is in custody since 01.11.2021 having no criminal antecedent and other two co-accused persons have been granted bail by the Co-ordinate Bench of this Court, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Danapur, Patna/concerned court in connection with Naubatpur P.S. Case No. 430 of 2020, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of

trial and make himself available as and when required by the court.

(ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Accordingly, the bail application stands disposed of.

(Dr. Anshuman, J)

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