

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11394 of 2022

Arising Out of PS. Case No.-647 Year-2021 Thana- SARAIYA District- Muzaffarpur

RAKESH KUMAR Son of Sri Suresh Sharma Resident of village - Kako,
Police Station - Kako, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 19-12-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, it is stated that on the date of occurrence the petitioner along with others was present in the room along with the son of the informant. They were watching T.V. when two shots of firing were heard. The informant found his son to be injured and in an unconscious state he was taken to the hospital but he died on way.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. From the material which has transpired in course of investigation including the contents of the order of the learned Court below rejecting the



application for bail of the petitioner it would be evident that the deceased had taken large sums of money from different persons in the name of getting them a job and they had come there for refund of the amount. It is submitted that on investigation the investigating officer of the case submitted charge-sheet no. 712 of 2021 dated 10.12.2021 against the petitioner under sections 341, 323, 504, 506 and 34 of the Indian Penal Code. The petitioner is in custody since 27.9.2021.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner especially the sections of Indian Penal Code under which the charge-sheet as referred to herein above was submitted together with the petitioner having remained in custody for more than 1 year 2 months since 27.9.2021, the petitioner is directed to be enlarged on bail in connection with Saraiya P.S. Case no. 647 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- IV, West, Muzaffarpur.

(Partha Sarthy, J)

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