

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29758 of 2021**

Arising Out of PS. Case No.-105 Year-2020 Thana- RANIYATALAB District- Patna

ABHISHEKH KUMAR @ ABHISHEK KUMAR, Son of Late Subhash
Sharma Resident of Village- Khapuri, P.S.- Dulhin Bazar, District- Patna.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

7 06-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Rani Talab P.S. Case No. 105 of 2020, for the offence
punishable under Section 302/34 of the Indian Penal Code and
27 of the Arms Act.

The prosecution story, in brief, is that elder brother of
informant for the purpose of preparation of physical
examination used to do exercise and in course of his regular
exercise, on 11.05.2020 accused persons shot his brother, who
died on the spot. It has been specifically alleged that one Nitish
Kumar @ Nitish Sharma has shot with the pistol on the brother
of the informant and his brother died on the spot.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the allegation against the petitioner is that he has fired upon the informant on his temporal region, however, no injury has been caused. He further submits that petitioner has clean antecedent and he is in custody since 06.06.2020. He further submits that similarly situated co-accused Nitish Kumar @ Nitish Sharma has already been enlarged on bail by a co-ordinate bench of this Court vide order dated 26.03.2021 passed in Criminal Miscellaneous No. 8868 of 2021. The other co-accused, namely, Raj Kumar, Ritesh Kumar have Ajit Kumar @ Ajeet Kumar have already enlarged on bail vide order dated 14.12.2021 passed in Criminal Miscellaneous No. 24116 of 2021, vide order dated 07.07.2021 passed in Criminal Miscellaneous No. 36527 of 2020 and vide order dated 08.10.2021 passed in Criminal Miscellaneous No. 29155 of 2021 respectively.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the specific allegation of firing fatal shot has been made against co-accused Ujjawal Kumar and Pappu Kumar, learned counsel for the State having not controverted, there being no submission on behalf of the State



that release of this petitioner is likely to result in tampering with evidence and interfering with the course of trial, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate, Danapur in connection with Rani Talab P.S. Case No. 105 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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