

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18796 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- KANKARBAG District- Patna

RAJA BABU S/O LATE OM PRAKASH SINGH Resident of Gajadhar Gali
Chiraiyatar, P.S.- Kankarbagh, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21974 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- KANKARBAG District- Patna

CHHOTU KUMAR PANDEY @ CHAMAN RAJ @ CHAMAN @ RAJ Son
of Sambhu Pandey Resident of Village - Chiraiyatand Gali, Postal Park, P.s.-
Jakkanpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22205 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- KANKARBAG District- Patna

LUKKY KUMAR @ LUKKY SAINI @ LUKKY Son of Uday Kumar R/o
Khas Mahaal, P.S.- Jakkanpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18796 of 2022)

For the Petitioner/s : Mr. Dilip Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 21974 of 2022)

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 22205 of 2022)

For the Petitioner/s : Mr. Patanjali Rishi, Advo

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



CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2022

IN CR. MISC. NO. 18796 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Kankarbagh P.S. Case No. 106 of 2022 registered for the offence under Sections 307, 326, 354, 323, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 09.02.2022.

The allegation against the petitioner is to assault the informant/injured with firearms on his chest along with other co-accused persons, due to hot talk and altercation, soon before the occurrence.

Learned counsel appearing on behalf of the petitioner submitted that informant/injured specifically through his complaint stated that it was unknown persons, who fired upon him, causing firearms injury. It is submitted that nothing surfaced during course of investigation, which may incriminate the petitioner, *prima-facie*, with the present set of occurrence



and also there is no recovery of firearms from the conscious physical possession of this petitioner. It is also submitted that petitioner is involved in one criminal case, in which, he is on bail. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that allegation as regard to fire is against unknown person.

Considering the facts and circumstances as mentioned above, as allegation of fire is against unknown person coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kankarbagh P.S. Case No. 106 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 21974 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.



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

The petitioner seeks bail in connection with Kankarbagh P.S. Case No. 106 of 2022 registered for the offence under Sections 307, 326, 354, 323, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 14.02.2022.

The allegation against the petitioner is to assault the informant/injured with firearms on his chest along with other co-accused persons, due to hot talk and altercation, soon before the occurrence.

Learned counsel appearing on behalf of the petitioner submitted that informant/injured specifically through his complaint stated that it was unknown persons, who fired upon him, causing firearms injury. It is submitted that nothing surfaced during course of investigation, which may incriminate the petitioner, *prima-facie*, with the present set of occurrence and also there is no recovery of firearms from the conscious physical possession of this petitioner. It is also submitted that petitioner is involved in one criminal case, in which, he is on bail. While concluding the argument, it is submitted that



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IN CR. MISC. NO. 22205 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Kankarbagh P.S. Case No. 106 of 2022 registered for the



offence under Sections 307, 326, 354, 323, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 11.02.2022.

The allegation against the petitioner is to assault the informant/injured with firearms on his chest along with other co-accused persons, due to hot talk and altercation, soon before the occurrence.

Learned counsel appearing on behalf of the petitioner submitted that informant/injured specifically through his complaint stated that it was unknown persons, who fired upon him, causing firearms injury. It is submitted that nothing surfaced during course of investigation, which may incriminate the petitioner, *prima-facie*, with the present set of occurrence and also there is no recovery of firearms from the conscious physical possession of this petitioner. It is also submitted that petitioner is involved in one criminal case, in which, he is on bail. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly



conceded the fact that allegation as regard to fire is against unknown person.

Considering the facts and circumstances as mentioned above, as allegation of fire is against unknown person coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kankarbagh P.S. Case No. 106 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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