

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24203 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- NALANDA District- Nalanda

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AJEET KUMAR Son of Late Vijay Prasad @ Parmeshwar Prasad @
Parmeshwar Singh Resident of Village - Narayanpur, P.O.- Kapsiyawan, P.S.-
Hilsa, District - Nalanda, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Kaushik

For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Nalanda
P.S. Case No. 175/2021 registered for the offences punishable
under Sections 302/394 of the Indian Penal Code and Section
27 of the Arms Act.

As per prosecution case, on 23.10.2021 son of
informant was coming to his house after closing the jewellery
shop, in the meantime, the miscreants made attempt to loot and
shot three round firing upon the informant's son who having
sustained fire arm injury died on spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner is not named in the FIR. During course of investigation, the name of petitioner has surfaced in this case on the basis of confessional statement of co-accused, Kundan Kumar. No incriminating articles or arms has been recovered from the possession of the petitioner and during course of investigation, nobody has claimed to have seen and identified the petitioner at the place of occurrence. Learned counsel for the petitioner further submits that except confessional statement or self confessional statement of the petitioner there is nothing on record to connect the petitioner with alleged occurrence. The petitioner is languishing in custody since 02.12.2021. The petitioner bears criminal antecedent of one case of Hilsa P.S. Case No. 546/2021 in which he made confession and from this case he was remanded in the present case. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the



material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Nalanda in connection with Nalanda P.S. Case No. 175/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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.

(Alok Kumar Pandey, J)

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