

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24962 of 2022

Arising Out of PS. Case No.-386 Year-2021 Thana- HARSIDHI District- East Champaran

RAJESH KUMAR S/o Gopal Singh R/o village- Harsidhi, P.S.- Harsidhi,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Raj
For the Opposite Party/s	:	Mr. Shyameshwar Dayal
For the informant/s	:	Mr. Rajeev Ranjan Adv.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 17-08-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner has preferred this application for grant of regular bail in a case registered u/s 302, 120B read with 34 of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution case, it is alleged that two unknown miscreants boarded on motorcycle started firing on the son of the informant indiscriminately and due to which his son sustained four pellet injuries and became injured and fell down on the ground. The informant's son died on the way to hospital.



Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is accused in one more criminal case u/s 341, 323, 307, 120B and 504 read with 34 of the I.P.C. in connection with Harsidhi P.S. Case No. 281 of 2021 as stated in para 3 of the bail petition. There is no eye witness in this case. The petitioner is not named in the F.I.R. and his name has sprung up in the confessional statement of co- accused Manish Kumar Patel and Abhimanyu Singh who have stated the *modus operandi* as to how the occurrence took place with the association of the petitioner. Learned counsel for the petitioner has further submitted that the deceased lodged an F.I.R. bearing Harsidhi P.S. Case No.50 dated 16.02.2020 against some persons but in the said F.I.R. name of the petitioner was not mentioned. The petitioner is in custody since 05.01.2022. The petitioner is a government teacher.

Learned A.P.P. for the State as well as learned counsel for the informant has vehemently opposed the bail petition of the petitioner by submitting that the name of the petitioner has sprung up in the confessional statement of co-accused persons and the petitioner is involved in the crime alleged.

Considering the aforesaid facts and circumstances,



the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 386 of 2021, with following conditions:-

1. One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

2. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive occasions without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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