

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25060 of 2022

Arising Out of PS. Case No.-379 Year-2020 Thana- ALOULI District- Khagaria

RISHU KUMAR S/o Prabhat Yadav Resident of Village- Hathwan, P.S.-
Alouli, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Alouli
P.S. Case No. 379/2020 registered for the offences punishable
under Sections 302, 307, 342/34 of the Indian Penal Code and
27 of the Arms Act.

As per prosecution case, the accusation against the
petitioner and others to have come armed with weapons and
surrounded the informant and others. It is further alleged that
co-accused, Amrendra Kumar Pradip ordered to kill the
informant's son then co-accused, Anjani Mandal shot fire upon
the informant's son due to which his son died on spot and all



accused persons fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case dirty village politics. There is no specific allegation against the petitioner and he is only member of unlawful assembly. Learned counsel for the petitioner further submits that there is specific allegation against co-accused, Anjani Mandal who fired upon the informant's son as a result of which he died. The petitioner is languishing in custody since 07.03.2020 and bears no criminal antecedent. 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 keeping in view clean antecedent of petitioner 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 Chief Judicial Magistrate, Khagaria in connection with Alouli P.S. Case No. 379/2020, 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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