

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34108 of 2021

Arising Out of PS. Case No.-732 Year-2020 Thana- MAHUA District- Vaishali

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Rakesh Kumar S/O Nagendra Rai R/O Village-Mangru Chowk, P.S-Mahua,
District-Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 06-01-2022 The applicant/accused in Crime No. 732 of 2020 registered with Mahua Police Station for the offences punishable under Sections 448, 341, 324, 307 read with Section 34 of the Indian Penal Code as well as Section 27 of the Arms Act, by this application is seeking his release on bail during course of the trial.

Heard the learned counsel appearing for the applicant/accused. He submits that there is no iota of legally admissible evidence against the applicant. The investigation is over and therefore the applicant is entitled for bail.

The learned Additional Public Prosecutor opposed the application by contending that the offence is serious and two victims were injured by the fire-arm in the incident. Name of the applicant is stated by the co-accused as one of the



assailant.

I have considered the submissions so advanced and also perused the materials placed before me.

Victim Amit Kumar had lodged the FIR of the incident on 25.12.2020 while taking medical treatment at the Apex Hospital. He reported that when he was sleeping in front of his house the accused persons, namely, Arun Kumar @ Munna, Pragyan @ Kalu, Bhavesh Umar @ Dulli and Aakash Kumar fired from the fire-arm at him. When his brother Vikash tried to save him accused Gopu Kumar fired at him. It is further averred that two unknown persons were also present on the spot.

According to the prosecution case, name of the applicant is stated by co-accused Amrendra Kumar in his confessional statement. It needs to be noted that Amrendra Kumar is also not named accused. Nothing was seized from the applicant and, therefore, his further pre-trial detention is not required.

Considering the nature of the evidence against the applicant/accused, there is no other alternative but to release him on bail during pendency of the trial and hence, the order :-

i. The application is allowed.



ii. The applicant/accused in Crime No. 732 of 2020 registered with Mahua Police Station for the offence punishable under Sections 448/341/324/307/34 of the Indian Penal Code and Section 27 of the Arms Act be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections



forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

Mkr./-

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