

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28644 of 2022

Arising Out of PS. Case No.-237 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

=====

KARAN KUMAR S/o Bhola Yadav Resident of Village- Khatakachak, P.S.-
Vishunpad, District- Gaya. Petitioner/s

Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vikramdev Singh, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-09-2022 Heard Mr. Vikramdev Singh, learned counsel for the

petitioner and learned APP who represents the State.

The case is registered under Sections 325, 341, 307,
120B, 302/34 of the I.P.C. and Section 27 of the Arms Act in
connection with Magadh Medical P.S. Case No. - 237/2021.

The prosecution story, in brief, is that on 5.9.2021, the
informant with his friend Satyendra Kumar in course of
morning walk when they reached near Gate No. 1 of Gaya
Airport, suddenly three accused persons came on a black colour
bike and overtook them. Two accused opened fire causing injury
on the thigh of the informant. Thereafter they made
indiscriminate firing on his friend Satyendra Kumar with clear
intention to kill, as a result he received several bullet injuries
and fell down. As locals on morning started gathering, on the
sound of firing, the accused persons fled away. The villagers



and friends took the injured to the hospital. The informant further stated that Varun Yadav, Mallu Yadav, and Bablu Singh conspired together and gave contract to kill Satyendra Kumar which resulted into present act. Satyendra Kumar succumbed to injuries. On the Fardbeyan of informant Dhirendra Kumar the present case was lodged.

Learned counsel for the petitioner submits that a perusal of the FIR would show that he is not named accused in it. Further his name has come up as conspirator during the course of investigation in view of the fact that the injured Satyendra Kumar had named him as a person with whom he had a fight and it was his apprehension that he may also be one of the conspirator to kill him. As Satyendra Kumar died, section 302 IPC was added. Learned counsel however, concedes that the petitioner has criminal antecedent. He as such submits that merely because of apprehension, his name has been dragged.

Considering the aforesaid facts as also that investigation is completed, charge-sheet stands submitted and he is in custody since 22.10.2021, this Court is inclined to grant him the privilege of bail after framing of charges in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail after framing of



charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-IV, Gaya, in connection with Magadh Medical P.S. Case No. 237/2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ravi/Ajay Singh

U		T	
---	--	---	--

