

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29303 of 2022

Arising Out of PS. Case No.-217 Year-2021 Thana- DEEPNAGAR District- Nalanda

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MUKESH KUMAR Son of Kailu Yadav Resident of Village - Rajakuan, P.S.
- Bihar, District – Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Usha Kumari 1

For the Opposite Party/s : Mr.Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 26-09-2022 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 and learned APP for the State.

The petitioner has preferred this application for grant of regular bail in a case registered under section 323, 354, 448 and 302 read with 34 of the Indian Penal Code.

As per the prosecution case, co-accused Pramod Yadav shot the husband of the informant dead.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been



implicated in this case due to village politics. Nothing has been recovered from the conscious possession of the petitioner. The other co-accused person has already been granted bail by a Co-ordinate Bench vide order dated 26.04.2022 passed by Cr. Misc. No. 10758 of 2022. It has further been submitted that petitioner is not named in the FIR. During course of investigation, the informant in the re-statement has named this petitioner as one of the persons who also participated in the alleged occurrence. Main assailant of the deceased is co-accused Pramod Yadav and no specific overt act has been alleged against the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 25.02.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, Biharsharif in connection with Deep Nagar P.S. Case No.



217 of 2021.

The application stands allowed.

(Chandra Prakash Singh, J)

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