

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29814 of 2022

Arising Out of PS. Case No.-349 Year-2021 Thana- NAGAR District- Vaishali

=====

AKASH KUMAR @ SONU SON OF SANJAY KUMAR R/O- ANAND
BAZAR, TURHATOLI, P.S.- SAHPUR, DIST.- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pushpendra Priyedarshi

For the Opposite Party/s : Mr.A.G.

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Hajipur Town P.S. Case No. 349 of 2021 for the offences
under Sections 307/34 of the Indian Penal Code section 27 of
the Arms Act.

Manju Devi, the mother of the deceased lodged the
FIR alleging that while they were participating in a marriage
ceremony, her daughter-in-law informed about her son having
been shot at by the three accused persons. When she came to
the house, saw her son in injured condition and upon enquiry, he
informed that Vijay Kumar Chaudhary fired upon him and fled



away.

Learned counsel for the petitioner submits that his name came up in the confessional statement of co-accused Vijay Kumar Chaudhary against whom direct allegation has been made in the FIR that he shot at and killed her son. The deceased had not taken his name.

In view of the fact that name of the petitioner has come up in the confessional statement of co-accused, Vijay Kumar Chaudhary, he is in custody since 29.09.2021 (as stated in paragraph-8 of the bail application), charge sheet stands submitted and ultimately he has to face the trial, this Court is inclined to grant him privilege of bail with condition in view of the fact that he has to face the trial.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case NO. 349 of 2021, subject to the following conditions:-

- (i) one of the bailor should be the family member 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 appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) 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;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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

