

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31218 of 2022

Arising Out of PS. Case No.-417 Year-2021 Thana- GARDANIBAG District- Patna

NIKESH KUMAR S/o Ashok Kumar Ram @ Ashok Kumar Resident of
Mohalla- Bishnupur, Devi Mandir Ke Bagal Gali, P.s.- Gardanibagh, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Manish Kumar No2, Advocate
For the Opposite Party/s :	Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 307 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, in brief, is that
informant namely Golu Kumar has alleged that on 22.10.2021
he had gone to purchase biscuit and he was standing out of the
shop then he heard voice of dispute then he tried to flee away
along with his child in the meantime on the order of petitioner
Nikesh Kumar co-accused Pankaj Kumar fired on him with
intention to kill him due to which he received fire arm injury on



upper portion of left knee due to which blood oozed out and he fell down.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the petitioner is order giver and the specific allegation against co-accused Pankaj Kumar who fired upon the informant. He further submits that there is no allegation of overt act or assault against the petitioner and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Gardanibagh P.S. Case No. 417 of 2021, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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