

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37072 of 2022

Arising Out of PS. Case No.-149 Year-2022 Thana- PATNA CITY CHOWK District- Patna

AJIT KUMAR @ AJEET KUMAR SON OF RAM NARESH RAI R/O
MOHALLA- DUNDI BAZAR, P.S.- CHOWK, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-10-2022 Learned counsel for the petitioner has filed
supplementary affidavit, let it be kept on record.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Chowk P.S.
Case No. 149/2022 registered for the offences punishable under
Sections 302, 201, 120(b)/ 34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution case, two FIR named accused and
two unknown persons fired upon the owner of the Teel Oil
Karkhana, namely Pramod Kumar Bagla due to which he died.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this case



due to local dirty politics. The petitioner is not named in the FIR. During course of investigation, the name of petitioner transpired in this case on the basis of confessional statement of co-accused, Monu Kumar as mentioned in para 77 of the case diary. The petitioner is languishing in custody since 04.04.2022 and bears criminal antecedent of 08 cases in which he is on bail in all cases. He further submits that there is specific allegation of firing upon the deceased against co-accused, Rohit Kumar @ Golu and Ranjit Kumar @ Belchi. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing incriminating article has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Patna City, in connection with Chowk P.S. Case No.



149/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not live the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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