

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36198 of 2022

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

RAKESH KUMAR SON OF TULSI SINGH R/O- VILL- NAI SARAK,
STATE BANK KE SAMNE, JAJAK TOLI, P.S.- CHOWK, PATNA CITY,
DIST.-PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-10-2022 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, 120(B), 34, 386, 201 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, allegation against the petitioner is that he alongwith other co-accused persons fired by their pistols upon the owner of the Teel Oil Karkhana, namely Pramod Kumar Bagla and then he fell down and later on declared dead.



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 one case in which he is on bail. He further submits that there is specific allegation of firing upon the deceased against co-accused, Rohit and Ranjit. He further submits that during course of investigation the informant has named the petitioner and others as associates of named co-accused in the FIR. The CCTV was searched where the petitioner was not seen at the place of occurrence which was verified in presence of the informant and witnesses. He further submits that nothing has been recovered from the conscious possession of the petitioner at the time of arrest. Till date the petitioner has not been put on T.I. Parade.

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 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.

(Alok Kumar Pandey, J)

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