

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38333 of 2022

Arising Out of PS. Case No.-643 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

Akash Kumar Son of Nilendra Prasad Singh @ Nilendra Kumar R/o Mohalla-
Sarvodaya Nagar, Ward No.-40, P.S.- Town, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Alok Kumar Alok, Advocate
	`	Mr. Arjun Prasad, Advocate
For the Opposite Party/s :		Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Dr. Alok Kumar Alok, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Nagar P.S. Case No. 643 of 2019 registered for the offences punishable under Sections 341, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a fardbayan of the informant alleging herein that on 27.10.2019 at about 12:15 PM while he was coming along with one Vikrant Kumar from his motorcycle, in the meantime, co-accused Deoraj Kumar and



Anshu Kumar intercepted and the petitioner fired thrice over him due to which he sustained one firearm injury on his elbow. It is further alleged that co-accused Anshu Kumar also assaulted Vikrant Kumar from his helmet, however, both of them anyhow fled away from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submits that in fact the informant is a notorious criminal and he might have been injured by some other persons but only because of some oblique reason or past animosity the name of the petitioner has been implicated in this case. He next submits that the petitioner is in custody since 24.01.2020 and more than two and half years have been passed and he has already been punished for his alleged conduct. He also submits that no injury has been received on any vital part of the body and as such it appears that the petitioner had no intention to kill the informant.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner has repeatedly fired upon the informant causing one bullet injury on his elbow, apart from the fact that the petitioner was also found involved in five other criminal cases.

Regard being had to the submissions made on behalf of the parties and considering the period of incarceration and the



nature of injury, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Begusarai in connection with Nagar P.S. Case No. 643 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

The petitioner will mark his attendance in the local police station on every first week of the month at-least for six months after his release from custody.

(Harish Kumar, J)

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