

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44441 of 2022

Arising Out of PS. Case No.-152 Year-2020 Thana- SHANKARPUR District- Madhepura

Rajesh Kumar Son of Ashok Yadav R/o village-Morkahi, P.S- Shankarpur.
Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Ranjan, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

At the outset, learned counsel for the petitioner submitted
that at page no.-2 of the bail petition, in the prayer portion,
inadvertently, Section of the Arms Act has been wrongly typed as '57
of the Arms Act' instead of '27 of the Arms Act'.

Accordingly, learned counsel for the petitioner is
permitted to make necessary correction during the course of the day
itself.

The petitioner seeks bail in connection with Shankarpur
P.S. Case No. 152 of 2020 registered for the offence under Sections
302 and 34 of the Indian Penal Code and under Section 27 of the
Arms Act.



The accused/petitioner is named in the F.I.R. and is in custody since 14.03.2022.

The allegation against the petitioner is to commit murder of father of the informant, alongwith other co-accused persons, while he went to market for purchasing medicine alongwith informant and younger brother.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in this case, as allegation was raised in very general manner against 10 named and 6 unnamed accused, where it is difficult to ascertain that who had resorted to firing upon the father of the informant. It is also submitted that the allegation of firing is not specific against this petitioner, for which, eye witnesses is not available. It is further submitted that no overt act is attributed to this petitioner. While travelling over the argument it is submitted that similarly situated co-accused person, namely, Vivek Yadav has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 45316 of 2021 vide order dated 23.03.2022. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as there is no specific allegation of firing available against this



petitioner, rather same is appeared very much general and omnibus, where petitioner is in custody since 14.03.2022 coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shankarpur P.S. Case No. 152 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1, Madhepura/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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