

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48419 of 2022

Arising Out of PS. Case No.-219 Year-2022 Thana- BIKRAM District- Patna

RAKESH KUMAR Son of Late Deo Kumar Singh Resident of Village -
Sarwa Bhadsara, P.s.-Bikram, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.K.Shahi, Sr. Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-09-2022 Heard learned senior counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of the

State through virtual court proceedings.

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

The petitioner seeks bail in connection with Bikram
P.S. Case No. 219 of 2022 registered for the offence under
Section 307 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 24.05.2022.

The allegation against the petitioner is to open fire
upon informant/injured, by causing fire arms injury with
intention to cause death, in the background of longstanding land



dispute.

Learned senior counsel appearing on behalf of the petitioner submitted that petitioner, who is working as police constable in Bihar Police, has falsely been implicated in this case due to land dispute which is registered in the name of the mother of this petitioner, as per the revenue record. It is submitted that alleged fire arms injury is on non-vital parts and not repeated, without intervening circumstances, which is sufficient to gather that petitioner was not under intention to cause death. It is further pointed out that due to wrong impression, as petitioner was named as @ Santosh Kumar, he was involved in five (5) more criminal cases and, moreover, the matter has been compromised, and a petition of this effect was filed before the Court of learned A.C.J.M.-VIth, Danapur, in present case by informant that firing was made by some unknown persons. While concluding the argument, it is submitted that investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence..

Learned APP, opposing the prayer of bail submitted that alleged offence is non-compoundable in nature, where compromise is of no bearing over the merit of the case but fairly



conceded the fact that firing was on non-vital parts of the body.

Considering the facts and circumstances as mentioned above, as fire arms injury appears on non-vital parts of the body coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bikram P.S. Case No. 219 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., VI, Danapur, Patna/concerned court, subject to the following conditions:

“(i) That if the petitioner temper with the evidence or witnesses of this case, in any manner, the Trial Court shall be at liberty to cancel the bail bond of this petitioner.

(ii) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(iii) 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.

(iv) That one of the bailors shall be Avinash Kumar, who is the Nephew (Bhagina) of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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