

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54123 of 2022

Arising Out of PS. Case No.-142 Year-2022 Thana- KADAMKUAN District- Patna

Akshay Raj @ Akshay Kumar Son Of Amar Kumar R/O Kazipur, Akhara Road, Patna, P.S.- Kadamkuan, Patna, Present Address C/O Balbir Bhawan, Gwal Toli, Near Kali Mandir, Kumhrar, Patna, P.S.- Agamkuan, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Ms. Nirmala Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kadamkuan P.S. Case No. 142 of 2022 registered for the offences punishable under Section 307/34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 23.05.2022. The petitioner has got three criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant Sri Birendra Kumar Choudhary was living in Kumhrar Mohalla preparing for competitive examination. On 18.03.2022, at about 02:30 P.M.,



while passing through Kalika Press, the informant noticed that some boys were indulged in DJ dance. From the investigation of the I.O., he came to know that one Aditya Kumar @ Rohit handed over a country made pistol and cartridge to Akshay Raj (Petitioner) who opened fire and then Rahul Kumar reloaded the pistol and misfired the same hitting the chest of the informant and he fell down and was admitted to PMCH.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 23.05.2022.

Learned counsel submits that the name of the petitioner has transpired in the confessional statement of one Rahul Kumar.

Ms. Nirmala Kumari, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused Rahul Kumar who had allegedly fired in the DJ dance party and later on stated that the said arm was given to him by this petitioner, save and except that statement in police custody, there is no other material to connect the petitioner with the present case and in



connection with this case the petitioner has remained in custody since 23.05.2022 and there being no submission that the release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate X, Patna in connection with Kadamkuan P.S. Case No. 142 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

vats/-

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