

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68395 of 2021

Arising Out of PS. Case No.-270 Year-2020 Thana- DELHA District- Gaya

Kaushal Kumar @ Akash Kumar, Son of Rameshwar Yadav @ Rameshwar Singh, Resident of Village- Kharkhura Durga Asthan, P.S.- Delha, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul, Advocate Mr.Prithivi Raj Singh, Advocate
For the State	:	Mr.Binod Kumar, APP
For the Informant	:	Mr. Ravindra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 18-07-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Delha P.S. Case No. 270 of 2020 registered for the alleged offences under Sections 147, 148, 341, 323, 324, 308, 448, 504 and 506 of the Indian Penal Code.

The prosecution case is that the petitioner and other co-accused persons tried to abduct the informant and on being resisted by the informant, they fired upon him and further



allegation against this petitioner is that he gave knife blow in the left abdomen of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to enmity. The FIR has been lodged after delay of one day. All offences, as mentioned in the FIR, are bailable except Section 308 of the Indian Penal Code. The informant has not given any motive for the incident, but it was over a petty matter. The petitioner is a student of B.B.M. in Gaya College, Gaya for the Sessions 2019-2022. The petitioner was not even present at the spot. The charge sheet has been submitted in this case and the petitioner is in custody since 13.08.2021.

Learned APP as well as learned counsel for the informant vehemently opposes the prayer for bail submitting that the petitioner caused three incised wound in the belly of the informant and these injuries have been found dangerous to life. The petitioner is having criminal antecedents.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody since 13.08.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty



thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Delha P.S. Case No. 270 of 2020, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One bailor will be the deponent, who has sworn the affidavit, and another bailor will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) The petitioner will not in any way contact either the victim or any of the witnesses and will not try to influence the trial.
- (v) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

