

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.560 of 2023

Arising Out of PS. Case No.-523 Year-2021 Thana- BARH District- Patna

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Rakesh Kumar @ Rakesh Singh @ Dabloo Singh S/O Uday Narayan Sharma
R/V- Pandarak, P.S.- Pandarak, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Dhanraj Kumar S/O Sri Krishna Mohan Pd. R/V- Gopkita, P.S.- Pandarak,
District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shashi Bhushan Singh
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 27-04-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

10.03.2022 passed by learned 1st Additional District &

Sessions Judge, Barh in connection with Barh P.S. Case

No. 523 of 2021 instituted for the offences punishable

under Sections 307, 302, 120(B), 34 of the Indian

Penal Code, Section 27 of the Arms Act and Section

2(iv) of the SC/ST Act whereby his prayer for being

released on bail has been rejected.

The allegation against the appellant is to



commit murder of one Rajesh Kumar Pabdarak along with other co-accused persons by causing firearm injuries while returning from a marriage party in the background of local political rivalries.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is government servant. The informant is not an eye witness to the occurrence. The appellant and one Vikash Singh are alleged to have fired causing injury in the leg of Rajesh Kumar, who died in course of treatment but the postmortem report suggests that deceased sustained only one gunshot injury. The appellant is in custody since 14.12.2021. Moreover, co-accused Vikash Singh has been granted bail by a coordinate Bench of this Court vide order dated 01.12.2022 passed in Cr. Appeal (SJ) No. 1885 of 2022.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the



appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 10.03.2022 passed by learned 1st Additional District & Sessions Judge, Barh in connection with Barh P.S. Case No. 523 of 2021.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh/Exclusive Special Court, SC/ST Act, Patna in connection with Barh P.S. Case No. 523 of 2021.

(Sunil Kumar Panwar, J)

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