

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10974 of 2023

Arising Out of PS. Case No.-28 Year-2022 Thana- PIPRA District- Supaul

KULDEEP KUMAR Son of Ramchandra Yadav R/o Village - Kataiya Mahe,
Ward No.- 5, Pipra, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 326, 307/34 of the Indian Penal Code, section 27 of the Arms Act and Section 12 of the POCSO Act but the cognizance has been taken u/s 326, 307, 354(D) of I.P.C., 27, 25(1)(b)(a), 26/35 of the Arms Act and 8/12 of the POCSO Act.

As per prosecution case, the informant alleged that while she along with her friends were coming from coaching center, in the meantime, the accused persons including the petitioner came there and forced the victim to seat on their motorcycle. After denial the same, the co-accused Mukesh Kumar fired upon the victim due to which she sustained injury.

Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to his presence at the place of occurrence. There is general and omnibus allegation is leveled against the petitioner rather the specific overt-act is against co-accused namely, Mukesh Kumar who fired upon the victim. Moreover, similarly situated co-accused has already been granted bail by learned Court below itself which is annexed as Annexure-2. It is further submitted that the petitioner is languishing in judicial custody since 3.1.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Pipra P.S. Case No. 28 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-Special Judge, POCSO Act, Supaul.

(Sunil Kumar Panwar, J)

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