

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13478 of 2023

Arising Out of PS. Case No.-153 Year-2021 Thana- GAYA KOTWALI District- Gaya

Sunil Kumar Akela @ Sunil Yadav S/O Late Lakhman Yadav @ Late Ramlakhan Singh Yadav Resident Of Village- Paura, P.S.- Kadirganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Kotwali P.S. Case No. 153 of 2021 registered for the offences punishable under Sections 307, 120-B and 34 of the Indian Penal Code and 27 of the Arms Act.

The allegation against this petitioner is to open fire upon informant along with other co-accused persons causing



fire-arm injuries.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was implicated with present case out of previous enmities, as he was named co-accused in Fatehpur P.S. Case No. 84/2002, where he was already acquitted after the trial and as such it can also be said safely that petitioner is the man of clean antecedent. It is submitted that from the bare perusal of F.I.R., allegation of firing is not available against this petitioner, rather it is specifically available against co-accused and as petitioner was one of the pillion rider of alleged motorcycle, he was implicated with present case. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of the fact, as allegation of firing is not available against this petitioner, accordingly the above named petitioner, in the event of his arrest or surrender before the Court below within a period of four weeks of this order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,



Gaya/concerned Court, where the case is pending in connection with Kotwali P.S. Case No. 153 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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