

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15381 of 2023

Arising Out of PS. Case No.-201 Year-2022 Thana- SAHPUR District- Patna

RAHUL KUMAR Son of Shyam Babu Rai R/v- Devchandra Bhagat,
Ganghara, P.S.- Shahpur, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ghanshyam Tiwary, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Vibhuti Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 147, 148, 149, 341, 342, 323, 307, 379, 504, 506, 302 120B of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution allegation, in short, is that while the son of the informant was returning home, the accused persons, variously armed, stopped him and started abusing him. Thereafter, the accused persons fired at him due to which he sustained injuries and died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.11.2022. Charge-sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner



has falsely been implicated in the present case. As per the prosecution case, co-accused namely Uday Rai is said to have fired upon the deceased causing his death. As far as, petitioner is concerned, he is said to have fired but did not hit the deceased. It is further submitted that no injury is said to have been caused by the petitioner upon the deceased. There is no chance of trial being concluded in near future.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, 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 Court below/concerned Court in connection with Shahpur P.S Case No. 201/2022.

It is further directed that the petitioner shall cooperate during the time of framing of charge as well as during the trial. If the Court below finds that the petitioner is not cooperating in the trial, the Court below will be at liberty to cancel the bail bonds of the petitioner and secure his arrest.

(Sudhir Singh, J)

Pankaj/Nitin

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