

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19399 of 2023

Arising Out of PS. Case No.-120 Year-2019 Thana- MUSRIGHRARI District- Samastipur

Akhilesh Kumar Singh @ Akilesh Singh S/o Sonelal Singh R/o village- Baghi
Ek dara, P.S.- Muffasil, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with S.T. No. 458/2022 arising out of Musrigharari P.S. Case No. 120 of 2019 registered on 20.10.2019 for the alleged offences under Sections 307, 324, 341 and 342 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, two persons who were driving a scooty fired upon the informant who was riding pillion on a motorcycle. The informant fell down and two persons riding on a motorcycle which came from behind again fired upon the informant and she received injuries in her waist. The name of the petitioner transpired during investigation as



one of the accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that alleged occurrence took place on 18.10.2019 at 7-8 p.m and the SHO of the station concerned was informed at the same time, but the FIR was lodged on 20.10.2019 and no reason has been given for this delay in lodging of the FIR. The informant of this case has lodged two more cases against this petitioner and in this case the petitioner was subsequently implicated due to his rivalry with the informant. Except for this suspicion, there is nothing against this petitioner whose name transpired in the confessional statement of co-accused Chandan Kumar. No material has come up on record indicating the involvement of the petitioner in this case. Learned counsel further submits that for the first time, the Investigating Officer requested the informant to provide her injury report on 24.04.2021 and the informant replied that it has been lost. Learned counsel further submits that though there are a large number of cases against this petitioner, but he has been granted bail in all such cases and most of the cases have been registered as petitioner is an active member of Bajrang Dal. The petitioner is in custody since 30.03.2022 and



charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that the name of the petitioner surfaced in the confessional statement of co-accused.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no substantive material has come up against this petitioner to show his complicity in the offence as alleged and further considering his period of custody and the submission of charge-sheet against him, 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 Additional District Judge-IX, Samastipur/court concerned in connection with S.T. No. 458/2022 arising out of Musrigharari P.S. Case No. 120 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on 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.

(Arun Kumar Jha, J)

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