

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15523 of 2023

Arising Out of PS. Case No.-427 Year-2022 Thana- RAMKRISHNANAGAR District- Patna

Rajnish kumar S/O Late Gopal Kumar Mishra resident of mohalla- mahadev colony, bhagwat nagar, p.s.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-07-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period of four weeks from today.

3. The petitioner seeks bail in connection with Ram Krishna Nagar P.S. Case No. 427 of 2022 registered for the offence under Sections 147, 148, 149, 324, 307 and 384 of the Indian Penal Code and under Section 27 of the Arms Act.

4. The accused/petitioner is not named in the F.I.R. and is in custody since 1.11.2022.

5. The allegation against the petitioner is to open fire upon the person employed in the shop of informant alongwith other co-accused persons, causing firearm injuries, having intention to cause death, where reason of occurrence is not



explained through F.I.R.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not named in F.I.R. and his name surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Raja Kumar @ Kartikey Kumar. It is submitted that in furtherance of said confession of co-accused Raja Kumar@Kartikey Kumar, no incriminating material recovered/surfaced as to connect this petitioner, *prima facie*, with present occurrence of firing at the shop of informant. It is submitted that said co-accused Raja Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 23291 of 2023 vide order dated 20.07.2023. It is further submitted that petitioner was also not put on TIP, as yet. While travelling over the argument learned counsel submitted that even confessional statement of the co-accused, which appears the basis for implication of this petitioner, also not suggests the allegation of firing against this petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.



8. Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except suspicion as arises from confessional statement of co-accused, nothing incriminating surfaced during investigation against this petitioner, *prima facie*, as to connect him with present occurrence of firing coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 1.11.2022, accordingly, above named petitioner is directed to be released on bail in connection with Ramkrishna Nagar P.S. Case No. 427 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Court of Judicial Magistrate 1st Class, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be



physically present on each and every date before the learned trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

