

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19998 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Raushan Kumar Son Of Jitendra Ram R/O Village- Mangal Talab, Harijan Colony, P.S.- Chowk, District- Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Nath Yadav, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 04-08-2023 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 Chowk
P.S. Case No. 149 of 2022 which corresponding G.R. No.
344/22 and T.R. No. 1285/2022 registered for the offence under
Sections 302, 201, 120(B), 386 and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 28.08.2022.

5. The allegation against the petitioner is to commit
the murder of one Pramod Kumar Bagala, who happens to be
the owner of M/s Shakambari Trading Company alongwith
other co-accused persons by causing firearm injuries, where



Manager of said company also received bullet injuries, namely Vikesh Agarwal @ Chhotu, who is informant of this case also.

6. Learned counsel appearing on behalf of the petitioner submitted that informant/injured is the eye-witness of the occurrence raising specific allegation against co-accused, Golu @ Rohit and Ranjeet Kumar to open fire upon the owner of Mill, namely Pramod Kumar Bagala, causing his death. It is submitted that during the course of investigation, name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Manish Kumar, who has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 65346 of 2022 dated 23.03.2023. It is submitted that allegation also appears similar with Manish Kumar as accused petitioner also identified from CCTV footage installed thereof but there is no allegation regarding active participation in present crime, where the allegation of firing, causing death is specific against co-accused persons, as per version of informant. It is submitted that save and except confessional statement, nothing incriminating material recovered/surfaced to connect petitioner, *prima facie* with present occurrence beside CCTV footage as submitted above. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and



moreover, investigation of this case is 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 fact as specific allegation to cause fatal firearm injuries are available against co-accused, Rohit Kumar and Ranjeet Kumar not against this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.08.2022 accordingly, petitioner above named, is directed to be released on bail in connection with Chowk P.S. Case No. 149 of 2022 which corresponding G.R. No. 344/22 and T.R. No. 1285/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna City/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

9. The presence of I.O. of this case is dispensed with.

(Chandra Shekhar Jha, J)

veena/-

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

