

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24579 of 2023

Arising Out of PS. Case No.-77 Year-2022 Thana- LALGANJ District- Vaishali

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MUKUL KUMAR @ MUKUL RAI @ MUKUL KUMAR RAI Son of
Madan Rai Resident of Village - Jalalpur, P.S.- Lalganj, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Lalganj P.S. Case no.77 of 2022 registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, it is stated by the informant that the four named accused persons came armed with pistol. Hearing the sound of firing come from the house under construction of the informant, the informant rushed towards the same. It is stated that he saw Deomitra Shukla and Deepak Singh @ Halchal Singh armed with pistol running away. His son had sustained gunshot injury. On enquiry, his son disclosed that he had been shot upon by Ravi Kumar and Sangam Shukla. Thereafter the informant's son died.



4. Learned counsel for the petitioner in reference to the F.I.R. as also the order of the learned Court below submits that the petitioner is not named in the F.I.R. The name of the petitioner transpired in the confessional statement of co-accused Arun Kumar. The allegation of firing as per the informant is on Ravi Kumar and Sangam Shukla of which Ravi Kumar has been enlarged on bail vide order dated 23.2.2023 passed in Cr. Misc. no.61727 of 2022. Arun Kumar who took the name of the petitioner has also been enlarged on bail vide order dated 2.2.2023 passed in Cr. Misc. no.58882 of 2022. The petitioner is in custody since 7.6.2022 and chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration that as per the F.I.R., the main allegation of firing is upon Ravi Kumar and Sangam Shukla and not the petitioner herein, grant of bail to Arun Kumar vide order dated 2.2.2023 on whose confessional statement before the police the name of the petitioner transpired together with the petitioner having remained in custody for 11 months since 7.6.2022 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection



with Lalganj P.S. Case no.77 of 2022 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge III-cum-Additional Chief Judicial Magistrate II, Vaishali at Hajipur.

(Partha Sarthy, J)

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