

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19088 of 2023

Arising Out of PS. Case No.-727 Year-2022 Thana- KATIHAR NAGAR District- Katihar

Ajay Kumar, Son Of Shankar Sah, Resident Of Mohalla - Hariganj Chowk,
P.S. - Katihar, Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Katihar Town P.S. Case No. 727 of 2022, registered for the alleged offences under Sections 307, 354(B), 379, 509/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the informant recorded her fardbeyan alleging that the co-accused Ankit Kumar Sah with his friend tried to forcibly take the informant with them and on her refusal, the co-accused drew a pistol and fired upon the left arm of the informant. Further, during investigation, the police found that the informant has hatched a conspiracy with the help of the petitioner and a number of other co-accused persons and



falsely implicated the co-accused Anikit Kumar Sah by making a false and concocted story. The allegation against the petitioner is that the petitioner caught hold of left arm of the informant and the co-accused Niraj fired upon her.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Initially the informant made the allegation of firing against the co-accused Ankit Kumar Sah and later on in a U-turn, the informant made the petitioner and other co-accused persons as accused in this case. However, similarly placed co-accused persons Niraj Kumar @ Gandhi and Ritesh Kumar have been granted bail by different Coordinate Benches of this Court vide orders dated 16.05.2023 and 03.05.2023 passed in Cr. Misc. Nos.15851 of 2023 and 8557 of 2023, respectively. The petitioner is in custody since 12.11.2022 and the charge sheet has been submitted.

5. Learned A.P.P. opposes the prayer for bail submitting that the petitioner and other co-accused persons hatched a conspiracy and falsely implicated an innocent person.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of allegation which does not appear to be serious and further



considering the lack of material against the petitioner and also considering the submission of charge sheet and the period of custody of the petitioner, the petitioner 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 Judicial Magistrate-1st Class, Katihar, in connection with Katihar Town P.S. Case No. 727 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also 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)

V.K.Pandey/-

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