

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20101 of 2023

Arising Out of PS. Case No.-204 Year-2022 Thana- RAFIGANJ District- Aurangabad

Rocky Kumar @ Rocky Yadav Son Of Pramod Yadav Resident Of Village-
Charkwa Nichlidih ,p S Rafiganj ,district -aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Rafiganj P.S. Case No. 204 of 2022 registered on 05.06.2022 for the alleged offences under Sections 307, 323/34 of the Indian Penal Code and Section 27 of Arms Act.

3. As per prosecution case, co-accused Nitish Kumar fired upon the informant and the shot hit in his left thigh. The petitioner and 20-30 unknown co-accused persons were also present at the place of occurrence along with co-accused Nitish Kumar.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Moreover, from the FIR, it is clear that there is no specific



allegation of any overt act against the petitioner. The petitioner has got no concern either with the co-accused Nitish Kumar or with the informant in any manner. No motive has been assigned to the petitioner or to the co-accused for the alleged occurrence. The petitioner is in custody since 02.01.2023 and charge sheet has been submitted. The petitioner has got altogether four cases in his criminal antecedent and he is on bail on three such cases.

5. Learned APP opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no specific overt act has been attributed to this petitioner even in the FIR and further considering his period of custody and 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 Chief Judicial Magistrate, Aurangabad/court concerned in connection with Rafiganj P.S. Case No. 204 of 2022, 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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