

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23047 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- AGION (GARHANI) District- Bhojpur

PRASHANT KUMAR @ PRINCE Son of Ujendra Singh Resident of Vill.-
Srirampur, P.S.- Udwanthnagar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Vardhan

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Agiaon
(Garahani) P.S. Case No. 121 of 2022 registered for the offences
punishable under Sections 302, 120(B), 34 of the Indian Penal
Code and Section 27 of the Arms Act.

As per prosecution case, petitioner along with
other co-accused persons came and demanded dues amount of
Rs. 14,000/- from the grandson of the informant namely Chhotu
Kumar. Thereafter, Chhotu Kumar replied that if they would
return his generator, he would pay their money upon which on
the order of co-accused Mulayam Yadav, Sonu Kumar, Vishal
Kumar and Nitish Kumar indiscriminately fired upon Chhotu
Kumar (informant's grandson) due to which he sustained three



bullet injuries on his chest and neck and fell down.

Learned counsel for the petitioner submits that petitioner is in custody since 07.11.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is innocent and has falsely been implicated in this case. Allegations against the petitioner is general and omnibus in nature. There is no specific overt-act against the petitioner. Petitioner is only a member of mob. Co-accused Mulayam Yadav, who happens to be the order giver, has already been granted bail vide Cr. Misc. No. 4906 of 2023 by a co-ordinate bench of this court and the case of present petitioner stands on better footing as there is no overt-act against the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, co-accused has already been granted bail and also taking into consideration the material available on record, let the



petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur in connection with Agiaon (Garhani) Case No. 121 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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