

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22488 of 2023

Arising Out of PS. Case No.-82 Year-2022 Thana- MORKAHI District- Khagaria

RAHUL KUMAR, SON OF ARJUN YADAV, R/O VILLAGE- HATHWAN,
P.S.- ALAULI, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Singh, Advocate
For the Informant/s	:	Mr. Ram Nibash Pd., Adv.
For the Opposite Party/s	:	Mr.Vinod Shanker Modi, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 23-05-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner has preferred this application for grant of regular bail in connection with Morkahi P.S. Case No. 82 of 2022 G.R. No. 2137 of 2022 dated 03.08.2022 registered for the offences punishable u/s 302 read with section 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the co-accused persons intercepted the motorcycle of the informant's brother Chandhan Kumar on the point of arms and the co-accused Sanjay Kumar



fired on the head of Chandan Kumar with intent to kill who fell down and the petitioner fired on the middle upper part of stomach and chest. Therefore, the co-accused Bottal Yadav also fired between thigh and hydrocle. The co-accused Subhash Yadav fired on the palm of Chandan Kumar when the informant and his cousin nephew tried to rescue him, the accused persons started firing on them indiscriminately.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the confessional statement of the co-accused. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has one antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 22.10.2022.

Learned A.P.P. for the State has vehemently opposed the prayer of bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court



concerned, Khagria in connection with Morkahi P.S. Case No.
82 of 2022, G. R.No. 2137/2022.

The application stands allowed.

(Chandra Prakash Singh, J)

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