

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26494 of 2023

Arising Out of PS. Case No.-372 Year-2022 Thana- BYPASS District- Patna

Sanjay Kumar Keshari @ Chiku Kumar S/O Om Prakash Keshari Resident of
Village- I.D.B. Colony, Gulzarbagh, P.S.- Alamganj, District- Patna.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with By-pass
P.S. Case No. 372 of 2022 dated 07.09.2022, instituted for the
offence punishable under Sections 302, 34 of the Indian Penal
Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that while the
informant's brother and one Chandan Kumar were standing near
Shitla Mandir Road, Roopwati Community Hall, after parking his
scooty, some criminals attacked and fired upon the brother of the
informant, which hit on his cheek and when Chandan Kumar
intervened, criminals also fired upon him which hit on his head. It
is further alleged that informant's brother and Chandan Kumar
succumbed to death due to gun shot injuries.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. The petitioner has been made accused in this case only on the confessional statement of co-accused Mantosh Kumar. Learned counsel for the petitioner submits that nothing incriminating article has been recovered from the possession of the petitioner. There is no specific allegation against the petitioner. Learned counsel for the petitioner further submits that co-accused namely, Ganesh Kumar, Rahul Kumar @ Mod @ Rahul Rail @ Mor and Ashish Pandey have been granted bail by different Co-ordinate Bench of this Court vide order dated 10.05.2023 passed in Criminal Miscellaneous No. 5266 of 2023, vide order dated 28.04.2023 passed in Criminal Miscellaneous No. 15342 of 2023 and vide order dated 11.05.2023 passed in Criminal Miscellaneous NO. 16929 of 2023 respectively. Lastly, it has been submitted that the petitioner is in custody since 10.09.2022 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the



petitioner be released on bail upon furnishing bail bonds of Rs.
10,000/- (ten thousand) with two sureties of the like amount each
to the satisfaction of the learned Additional Chief Judicial
Magistrate-VI, Patna City, in By-pass P.S. Case No. 372 of 2022.

(Khatim Reza, J)

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