

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27138 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- JAGDISHPUR District- Bhojpur

RAHUL KUMAR Son of Umesh Singh R/V- Katar, PS- Hasan Bazar, Dist-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh, Adv.

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Jagdishpur
P.S. Case No. 59 of 2023 dated 10.02.2023 registered for the
offence under Sections 341, 307, 504/34 of the Indian Penal Code
and Section 27 of the Arms Act.

The petitioner along with others are alleged to have
abused the husband of the informant and on protest being made
by him, one of the co-accused, Pardeep Kumar @ Tuna opened
indiscriminate fire upon him as a result of which the husband of
the informant sustained two bullet injuries and fell down.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that



from perusal of the F.I.R. it appears that the F.I.R. is narrated in two parts; in the first part of the F.I.R., general and omnibus allegation of hurling abuses to the husband of the informant is attributed to the petitioner and others accused persons and in the subsequent part of the F.I.R., co-accused, Pradeep Kumar @ Tuna is alleged to have opened indiscriminate firing upon the husband of the informant causing injury to his toe of right leg and on his right shoulder. He further submits that it appears from the F.I.R. itself that no specific allegation of assault or any overt act is attributed to the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 13.02.2023.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 59 of 2023 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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