

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27340 of 2023**

Arising Out of PS. Case No.-818 Year-2022 Thana- PHULWARISHARIF District- Patna

1. Raju Kumar @ Raju Singh Son Of Late Sidheshwar Singh Resident Of Village- Dhuparchak, Ps- Phulwarisharif , Distt- Patna
2. Abhishek Kumar Son Of Raju Kumar @ Raju Singh Resident Of Village- Dhuparchak, Ps- Phulwarisharif , Distt- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioners : Mr. Vinod Pandey, Advocate

For the Opposite Party : Mr. Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      25-05-2023                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. The petitioners seek bail in connection with Phulwarisharif P.S. Case No. 818 of 2022 dated 11.07.2022, instituted for the offences punishable under Sections 302 & 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The case of prosecution, in short, is that on 11.07.2022, two unknown miscreants fired gun shots on informant's father and his colleague, while riding motorcycle which caused gun shot injury to informant's father. It is further alleged that, immediately after both the victim fell from the motorcycle and miscreants fired gun shot on the head and



abdomen of the informant's father while other person succeeded to survive. Informant's father was declared dead in the hospital.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. and the petitioner has been made accused in this case on the basis of confessional statement of one Akshay Kumar. It is further submitted that at the time of occurrence, he was in Jail in connection with Phulwarisharif P.S. Case No. 424 of 2022. It is further submitted that only because of the suspicion, informant has disclosed the name of petitioner more than two months after the occurrence. It is further submitted that informant himself is not an eyewitness nor any other witness is there. Lastly, it has been submitted that the petitioners are in custody since 10.01.2023, charge-sheet has been submitted in the case and petitioner No. 1 has three cases against them, which has been filed by the said Nutuan Kumar.

5. Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners 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 A.C.J.M.-XIV, Patna, in Phulwarisharif P.S. Case No. 818 of 2022, subject to the following conditions:-

- i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- ii. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
- iii. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
- iv. 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.

(Khatim Reza, J)

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