

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27569 of 2023

Arising Out of PS. Case No.-647 Year-2021 Thana- SARAIYA District- Muzaffarpur

Satish Kumar @ Satish Singh @ Birappan Son of Rameshwar Singh,
Resident of Village- Rewa Bichla Tola, P.S.-Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-06-2023 Let the defect, if any, be removed within two weeks
from today.

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

3. The petitioner seeks regular bail in connection with
Sessions Trial No. 691 of 2022, arising out of Saraiya P.S. Case
No. 647 of 2021 dated 15.09.2021 lodged under Sections 302/34
of the I.P.C. read with sections 25(1-b)a/26/35 of the Arms Act.

4. As per the prosecution, there were five named
accused in the F.I.R. As per the F.I.R. the informant has seen his
son for the first time when he was in unconscious position.
Accused Rakesh and Keshav Kumar were sitting before him and
pistol was in their hand. It has been alleged that alleged three
accused persons including the petitioner were standing there.

Upon noise the petitioner other accused persons left the place.

5. Learned counsel for the petitioner submits that petitioner is in custody since 10.03.2022. He further submits that the person against whom there is specific allegation that pistol was in his hand, has been granted bail by the Co-ordinate Bench of this Court vide order dated 19.12.2022 passed in Cr. Misc. No. 11394 of 2022. Counsel further submits that other co-accused persons namely, Keshav Kumar and Prashant were also granted bail by the Co-ordinate Bench of this Court. He further submits that the antecedent of the petitioner is not clean, there were five criminal cases pending against him but he is on bail in all the cases and in one case he is also acquitted.

6. Learned counsel for the State vehemently opposes the prayer for bail and submits that the bail to accused Rakesh Kumar was granted only due to the reason that charge sheet has not been filed under section 302 of the I.P.C. against him.

7. In the present facts and circumstances that there is no specific allegation against the petitioner in this case and also with a view to maintain parity, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-11, Muzaffarpur in connection

with Sessions Trial No. 691 of 2022, arising out of Saraiya P.S.
Case No. 647 of 2021, subject to the conditions as laid down
under Section 437(3) of Cr.P.C..

(Dr. Anshuman, J.)

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