

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31548 of 2023**

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

Akshay Kumar @ Golu Kumar @ Prince Kumar, Son of Late Mukesh Kumar  
Singh, Resident of Village - Dhuparchak, P.S. - Phulwarisharif, Distt. - Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                                  |
|--------------------------|---|--------------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Ajay Kumar Thakur, Advocate<br>Mr. Ritwik Thakur, Advocate<br>Mrs. Vaishnavi Singh, Advocate |
| For the Opposite Party/s | : | Mr. Mohammad Sufyan, APP                                                                         |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      20-06-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with  
Phulwarisharif P.S. Case No. 818 of 2022 registered for the  
offence under Section 302/34 of the Indian Penal Code and  
Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and  
is in custody since 10.01.2023.

The allegation against the petitioner is to commit  
murder of father of informant alongwith other co-accused  
persons by causing firearm injuries, where occurrence is arises



out of previous land dispute.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner implicated falsely with present case as his name surfaced on the basis of suspicion during the course of investigation, where his self confession was obtained, in furtherance of which no incriminating material recovered/surfaced as to incriminate him with the present occurrence of murder. It is also submitted that the injured namely, Jairam Mishra, even failed to name this petitioner and this petitioner was not even put on TIP as to connect him with present occurrence, as yet. It is further submitted that co-accused persons having similar allegations have already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 27340 of 2023 dated 25.05.2023. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail and, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact, as save and except



suspicion, nothing incriminating material surfaced during the course of investigation, to connect petitioner *prima facie* with present occurrence, coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 10.01.2023 accordingly, petitioner above named, is directed to be released on bail in connection with Phulwarisharif P.S. Case No. 818 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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