

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29497 of 2023

Arising Out of PS. Case No.-39 Year-2019 Thana- BELDOUR District- Khagaria

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AAYUSH KUMAR @ AYUSH KUMAR @ AYUSH SHARMA Son of Late
Hira Sharma Resident of village-Dadroja, Police Station-Beldour, District-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Beldour P.S. Case No. 39 of 2019, G.R. No. 722 of 2019
registered for the offences punishable under Sections 341, 307,
379/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, informant alongwith his
brother went to work in the Bagra Village and after work he
stayed there but informant's brother proceeded towards his
village and in the way he was surrounded by petitioner and
others and it is alleged that co-accused Shambhu Sharma as well
as Akhtar Mian fired upon him by pistol due to which he
sustained fire arm injury. It is further alleged that co-accused



persons snatched Rs. 5000/- from him.

Learned counsel for the petitioner submits that petitioner is in custody since 20.11.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is only the member of mob. There is no specific allegation attributed against the present petitioner. He further submits that specific allegation of firing is against co-accused Shambhu Sharma and Akhtar Mian and they have already been granted bail vide Cr. Misc. No. 22961 of 2022 and the case of present petitioner stands on better footing keeping in view that there is no specific allegation against the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, no specific overt-act attributed against the petitioner, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner



above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Khagaria in connection with Beldour P.S. Case No. 39 of 2019, G.R. No. 722 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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