

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31795 of 2023

Arising Out of PS. Case No.-427 Year-2022 Thana- RAMKRISHNANAGAR District- Patna

Ashwani Singh@ Ashwani Kumar Son Of Binay Kumar Singh Village
Kulharia, Ps Koelwar, Dist-Bhojpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajiv Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Sahni, APP
For the Informant/s	:	Ms. Sagrika, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 24-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with Ram
Krishna Nagar (Patna) P.S. Case No. 427 of 2022 registered for the
offence under Sections 147, 148, 149, 324, 307 and 384 of the
Indian Penal Code and under Section 27 of the Arms Act.

4. The accused/petitioner is not named in the F.I.R. and
is in custody since 16.12.2022.

5. The allegation against the petitioner is to open fire
upon the person employed in the shop of informant alongwith
other co-accused persons, causing firearm injuries, having
intention to cause death, where reason of occurrence is not
explained through F.I.R.



6. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not named in F.I.R. and his name surfaced, during the course of investigation, on the basis of confessional statement of co-accused Raja Kumar@Kartikey Kumar. It is submitted that in furtherance of said confession of co-accused Raja Kumar@Kartikey Kumar, no incriminating material recovered/surfaced as to connect this petitioner, *prima facie*, with present occurrence of firing at the shop of informant. It is submitted that said co-accused Raja Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 23291 of 2023 vide order dated 20.07.2023. It is further submitted that petitioner was also not put on TIP, as yet. While travelling over the argument learned counsel submitted that even confessional statement of the co-accused, which appears the basis for implication of this petitioner, also not suggests the allegation of firing against this petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, duly assisted by learned counsel, Ms. Sagrika appearing on behalf of the informant while opposing the prayer of bail, submitted that it was the petitioner who make



payment through his UPI (Unified Payments Interface) for purchasing *briyani* from the shop of informant. It is submitted that from available facts, active involvement of petitioner cannot be denied.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except suspicion as arises from confessional statement of co-accused, nothing incriminating surfaced during investigation against this petitioner, *prima facie*, as to connect him with present occurrence of firing coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.12.2022, accordingly, above named petitioner is directed to be released on bail in connection with Ramkrishna Nagar (Patna) P.S. Case No. 427 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for



the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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