

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31197 of 2023

Arising Out of PS. Case No.-488 Year-2021 Thana- DAUDNAGAR District- Aurangabad

Ashok Kumar @ Ashok Singh, Son of Ram Swarup Singh, Resident of
Village- Parasan Bigha, P.S.- Daudnagar, Distt- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kritya Nand Jha, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Daudnagar P.S. Case No.488 of 2021 registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
120B, 384, 302 and 504 of the Indian Penal Code as well as
Section 27 of the Arms Act.

3. The accused/petitioner named in the FIR and is in
custody since 22.03.2023.

4. Allegation against the petitioner is to assault
informant and others and also to open fire causing injuries to
one Ravi Kumar, Sanoj and Balvir during the course of
occurrence, where later on, the son of informant was carried to
village-Dhevhi, where 11 named and 20-25 unknown co-
accused persons assaulted physically in such a manner that his



son died during the course of treatment while shifting to Narayana Hospital for better treatment.

5. It is submitted by learned counsel that allegation of fatal assault is not available against this petitioner rather same is available against 11 named and 20-25 unknown co-accused persons. It is submitted that alleged firing as made by this petitioner not hit the son of informant and same fact is apparent from the narration of FIR itself. It is submitted that similarly situated co-accused, namely, Balveer Kumar, Amrendra Kumar @ Gabbar have already been granted bail by one of the learned co-ordinate Bench of this Court vide order dated 07.02.2023 passed in Cr. Misc. No.56152 of 2022. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as allegation regarding fatal assault is appearing very much general and omnibus, coupled with the fact that charge-sheet has already submitted, where petitioner is in



custody since 22.03.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No.488 of 2021 subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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