

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31855 of 2023

Arising Out of PS. Case No.-66 Year-2023 Thana- KANKARBAG District- Patna

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Raj Kumar Pandey @ Chotu Pandey @ Chaman, Son of Shambhu Pandey @
Baua Pandey, Resident of Mohalla - Near Devi Asthan Gali, P.S. - Jakkanpur,
Distt. - Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2023 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
Kankarbagh P.S. Case No. 66 of 2023 registered for the offence
under Sections 307, 504, 34 of the Indian Penal Code and 25(1-
b)a/26/27/35 Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.01.2023.

The allegation against the petitioner is to fire upon



son of informant having intention to cause his death.

Learned counsel appearing on behalf of the petitioner submitted that as per narration of FIR itself, the firing was made during the course of scuffling and it is apparent from the narration that same was not made with intention to cause death. It is also submitted that no injury was caused by alleged firing which further suggest that it was not opened with intention to cause death. 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, as allegation to fire with intention to cause death is not available from the narration of FIR, coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 18.01.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Kankarbagh P.S. Case No. 66 of 2023 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,



Patna, Bihar/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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