

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38871 of 2023

Arising Out of PS. Case No.-107 Year-2022 Thana- MAKER District- Saran

ABHISHEK KUMAR Son of Raju Baitha R/o village - Chand Thahara, P.S.-
Maker, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-06-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Maker P.S. Case No. 107 of 2022 dated 27.05.2022 registered
for the offences punishable under Section 307 and 504/34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. This is second attempt of the petitioner for the
relief of regular bail and his earlier bail prayer has been rejected
by this Bench vide order dated 30.11.2022 passed in Cr. Misc.
No. 45821 of 2022 preferred by this petitioner which was
decided jointly with Cr. Misc. No. 45026 of 2022 by which the
prayer of co-accused namely Mohit Kumar was allowed but the
petitioner's prayer was rejected. The petitioner has been
languishing in jail since 29.05.2022.



4. The fresh ground taken by the petitioner is the liberty given to him in the earlier rejection order concerned to his earlier bail prayer. It is submitted by learned counsel for the petitioner that the petitioner was given a liberty to renew his bail prayer after examination of the informant in his trial. Now, he has come again in the light of the said liberty as the informant, who is stated to be the main prosecution witness, has been examined and his deposition's copy has been filed as Annexure-4 and moreover, in the present matter both the sides have compromised also. It is further submitted that the petitioner is a very young person and has been languishing in jail since 29.05.2022 and has fair and clean antecedent.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Heard both the sides. Though, there is serious allegation against the petitioner but in view of the above-mentioned circumstances particularly with regard to the examination of the main prosecution witness, who is stated to have been injured by this petitioner by using a firearm and one co-accused named-above has already been granted bail by this Bench, in my opinion in the present circumstances, the petitioner now deserves to a lenient approach of this Court.



Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Maker P.S. Case No. 107 of 2022.

(Shailendra Singh, J)

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