

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35210 of 2023

Arising Out of PS. Case No.-28 Year-2021 Thana- KHAJAULI District- Madhubani

Prabhakar Kumar Singh @ Lalla son of Ram Kalewar Singh Village- Narar
Ps- Kaluahi Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Kusum Rani, Advocate Udeshyan Kumar, Advocate
For the Opposite Party/s	:	Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with S.T. No. 247/2021 arising out of Khajauli P.S. Case No. 28 of 2021 registered on 21.02.2021 for the alleged offences under Sections 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, while the informant was returning after closing his jewelry shop, three motor-cycle borne miscreants fired upon him and the informant fell down from his motor-cycle. The informant was admitted in a hospital and his treatment was going on. The name of the petitioner surfaced as one of the accused persons.



4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No material has come up on record to connect him with the offence as alleged. The petitioner has been named in this case on the basis of confessional statement of co-accused Suman Kumar Yadav and this co-accused has been granted bail by a Coordinate bench of this Court vide order dated 05.04.2022 passed in Criminal Misc no. 53037 of 2021. The petitioner is in custody since 15.03.2021 and charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that petitioner is a habitual offender and is accused in a large number of cases. Learned APP further submits that the name of the petitioner transpired during investigation for assaulting the informant with fire-arms.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific and vague nature of allegation against the petitioner coupled with the grant of bail to similarly placed co-accused person and further considering his period of custody and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like



amount each to the satisfaction of learned Additional District and Sessions Judge-IVth, Madhubani/court concerned in connection with S.T. No. 247/2021 arising out of Khajauli P.S. Case No. 28 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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