

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35762 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- GAYA KOTWALI District- Gaya

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VICKY KUMAR SON OF KRISHNA PRASAD R/O- MOHALLA-
RAMSHILA, P.S.- KOTWALI, DIST.- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 18-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and sections 25(1-B)(a), 26 and 27 of the Arms Act.

As per the prosecution case, it is stated by the informant that his son was called by the two accused persons including the petitioner herein. They went towards the water body. Subsequently she heard a sound of fire and on going in the direction in which her son had proceeded, she found her son injured with firearm injury. On being taken to the hospital,



he was declared dead. The informant states that Rahul Kumar and the petitioner had on an earlier occasion threatened him.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case on the basis of an unfounded suspicion. Admittedly there is no eye witness to the occurrence. At best the case against the petitioner is of last seen and circumstantial evidence. The petitioner is in custody since 30.3.2022 and investigation in the case has concluded.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation, there being no eye witness to the occurrence and at best the evidence against the petitioner being circumstantial in nature together with the petitioner having remained in custody for over 9 months since 30.3.2022 and chargesheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Kotwali P.S. Case no. 69 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief



Judicial Magistrate, Gaya.

(Partha Sarthy, J)

Spd/-

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