

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40366 of 2022

Arising Out of PS. Case No.-314 Year-2021 Thana- Krityanand Nagar District- Purnia

Rahul Kumar @ Rahul, Son of Mahendra Yadav, Resident of village-
Kharaihiya, Basti, Ward No. 10, P.s.- and District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-01-2023 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 394 of the Indian Penal Code and section 27 of the Arms Act to which sections 302 and 397 of the Indian Penal Code were added subsequently.

As per the prosecution case, the informant states that his driver who was proceeding on his motorcycle was shot by unknown accused persons who took away his motorcycle.

It is submitted by learned counsel for the petitioner that the F.I.R was registered against unknown. Initially the case was registered under section 394 of the Indian Penal Code and under section 27 of the Arms Act to which subsequently sections 397 and 302 of the Indian Penal Code were added. It is submitted that the



prosecution is mainly relying on the confessional statement of the petitioner made before police. No incriminating article has been recovered from his possession or as a result of the confession of this petitioner. The petitioner is in custody since 30.11.2021 and investigation in the case has concluded.

Heard learned A.P.P for the State.

Having heard learned counsel for the parties and taking into consideration the nature of material that has transpired in course of investigation, the prosecution mainly relying on the confessional statement of this petitioner made before police. The petitioner being in custody for over 1 year since 30.11.2021 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with K. Nagar P.S. Case no. 314 of 2021 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, Purnea.

(Partha Sarthy, J)

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