

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 41557 of 2022**

Arising Out of PS. Case No.-2 Year-2022 Thana- KOTWALI District- Munger

SHIV KUMAR Son of Bharat Mandal Resident of Subhash Nagar, P.S.-
Kotwali, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore,Advocate

Ms. Rupa Kumari, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 11-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Session Trial No.101 of 2022 arising out of Kotwali (Basudeopur) P.S. Case No.02 of 2022, registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation levelled in the FIR by the informant Kajal Devi is regarding co-accused, namely, Karu Kumar having fired gunshot on the



chest of her husband while another accused person, namely, Uttam Mishra @ Deepak Mishra had fired a bullet on the head of her husband resulting in death of her husband. As far as the petitioner is concerned, it has transpired in paragraph no. 36 of the case-diary that the weapon used to kill the husband of the informant was recovered from the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 04.01.2022.

Learned counsel for the petitioner has further submitted that other co-accused persons have been granted bail by co-ordinate Benches of this Court vide various orders passed in Cr. Misc. No.39394 of 2022, Cr. Misc. No.26059 of 2022, Cr. Misc. No.31137 of 2022 and Cr. Misc. No.30040 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for



bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the fact that specific allegation of firing gunshot has been levelled against the co-accused persons, namely, Karu Kumar and Uttam Mishra @ Deepak Mishra and as far as the petitioner is concerned, he has not been alleged to have engaged in any sort of overtact, apart from the fact that other similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Munger in connection with Session Trial No.101 of



2022 arising out of Kotwali (Basudeopur) P.S. Case
No.02 of 2022.

(Mohit Kumar Shah, J)

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