

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41688 of 2022

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

RAHUL KUMAR Son of Krishna Prasad, Resident of Village - Ramshila
Mor, P.S.- Kotwali, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 22-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection
with Kotwali P. S. Case No. 69 of 2022 registered for the
offences punishable under Section 302 read with Section 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. They were seen near Ramshila pond.



Subsequently she heard a sound of firing and on going in the direction in which her son had preceded, she found her son injured with fire-arms injury. On being taken to the hospital, he was declared dead. The informant also stated that Vicky Kumar and the petitioner had threatened him on an earlier occasion.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. No such occurrence as alleged has ever taken place. The similarly situated accused person has already been granted bail by co-ordinate Bench of this Hon'ble Court vide order dated 18.01.2023 passed in Cr. Misc. No. 35762 of 2022. Learned counsel further submitted that no case is made out against the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail petition of the petitioner.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, Gaya in connection with Kotwali



P. S. Case No. 69 of 2022, subject to conditions as laid down
under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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