

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41406 of 2022

Arising Out of PS. Case No.-796 Year-2019 Thana- JAKKANPUR District- Patna

Abhishek Kumar @ Naga S/O Ajeet Kumar Singh @ Ajeet Mahto Resident
of North Mandiri, Bapu Nagar, P.S.- Budha Colony, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 28-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with S.Tr. No. 610/2021 arising out of Jakkanpur P.S. Case No. 796 of 2019 registered for the offences punishable under Section 302 of the Indian Penal Code and Sections 25(1-b)a, 26 and 27 of Arms Act.

As per the prosecution, the informant alleged that his father was shot by two miscreants when his father was working in his shop while the third miscreant was outside the shop and

the whole incident is recorded in the CCTV camera. It is further alleged that the informant's father succumbed to his injuries.

The main submissions advanced by the petitioner's counsel are that the petitioner has got no criminal antecedent before the instant case and subsequently he was remanded in one case bearing Phulwari P.S. Case No. 1068/2019, in which he has been granted bail by the Court below itself and the incident of the present matter took place on 02.12.2019 as per the FIR but the FIR was registered on the same day and the same was sent to the Court concerned on 05.12.2019 and the petitioner is not named in the FIR and six day after the alleged occurrence, he was arrested with co-accused Ajit Kumar @ Ajit Kumar Singh, who was allegedly arrested with fire-arms, who has been granted bail by a co-ordinate Bench of this Court vide order dated 08.10.2021 passed in Cr. Misc. No. 40738/2021 and during investigation, the CCTV footage was examined by the *Investigating Officer* and it came into light that the co-accused Devesh Kumar @ Rishabh Raj, whose face was identified, was mainly involved in the alleged occurrence and his case got separated as he was juvenile at that time and similarly situated co-accused persons namely, Suraj Kumar @ Bhura Yadav and Bittu @ Bittu Paswan have also been granted bail by different

Benches of this Court vide orders dated 26.08.2021 and 18.05.2021 passed in Cr. Misc. Nos. 14795/2021 and 1781/2021. Further submission is that the petitioner has been languishing in jail since 10.12.2019 and as per the CCTV footage, the main assailant who caused fire-arms injury to the deceased, was Devesh Kumar @ Rishabh Raj.

Learned APP appearing for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly considering the privilege of bail granted to three co-accused persons namely, Suraj Kumar @ Bhura Yadav, Bittu @ Bittu Paswan and Ajit Kumar @ Ajit Kumar Singh by different Benches of this Court vide orders passed in above-mentioned Cr. Misc. petitions and the petitioner has been languishing in jail since 10.12.2019 and as per the report of the trial Court out of total seven witnesses, three witnesses of prosecution have been examined and as per the above submission, the main assailant who caused fire-arms injury to the deceased, was co-accused Devesh Kumar @ Rishabh Raj, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the

satisfaction of the Court concerned in connection with S.Tr. No.
610/2021 arising out of Jakkanpur P.S. Case No. 796 of 2019.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--