

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46613 of 2023

Arising Out of PS. Case No.-224 Year-2022 Thana- SAUR BAZAR District- Saharsa

Rajesh Kumar @ Nilesh Kumar @ Rajesh Kumar Yadav @Rajesh Yadav Son
Of Bilash Yadav Resident Of Village- Chandaury, Ward No. 04, Ps- Saur
Bazar, Distt- Saharsa

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Session Trial (ST) No. 158/23 arising out of the Saur Bazar P.S.
Case No. 224 of 2022 registered for the offence under Sections
147, 148, 149, 302, 120-B of the Indian Penal Code, 1860 and
Section 27 of the Arms Act, 1959.

3. The accused/petitioner is named in the F.I.R. and
is in custody since 27.03.2023.

4. The allegation against the petitioner is to commit
murder of son of informant alongwith other named co-accused
persons by causing firearm injuries, where occurrence arises out
of previous enmities.



5. Learned counsel appearing on behalf of the petitioner submitted that informant is the eye witness of the occurrence, where name of co-accused persons including petitioner were disclosed by deceased son. It is submitted that the specific allegation as per informant to cause fatal firearm injury is available against co-accused Manish Kumar, whereas no specific overt act attributed to this petitioner. It is further submitted that similarly situated co-accused, namely, Onam Kumar has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 57399 of 2022 vide order dated 09.02.2023. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as specific allegation to cause fatal firearm injury is available against co-accused, Manish Kumar and not against this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.03.2023, accordingly, above named petitioner is directed to



be released on bail in connection with Session Trial (ST) No, 158/23 arising out of the Saur Bazar P.S. Case No. 224 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.S.J.-VII, Saharsa/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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