

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 48175 of 2022**

Arising Out of PS. Case No.-221 Year-2021 Thana- ARA NAGAR District- Bhojpur

RAHUL YADAV @ RAHUL KUMAR Son of Kamta Prasad @ Kamta Yadav
Resident of Mohalla- Ahirpurva, P.S- Ara Town, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Bimal Kumar, Advocate
For the Opposite Party/s : Mr Harendra Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 23-01-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Ara Town Police Station (for brevity, **PS**) Case No 221 of 2021 registered for the offence punishable under Sections 326, 307, 506/34 of Indian Penal Code and Section 27 of Arms Act.

Due to quarrel with son of the informant, it is alleged that there was an altercation between the informant and the petitioner along with others earlier. Subsequently, it is alleged that co-accused Bipul Kumar came to the shop of the informant with one Kallu Paswan and two unknown persons and fired upon the informant which hit his leg.

It is submitted by the learned counsel for the petitioner that from the prosecution case, it appears that parties are known to each other. However, the petitioner has not been named in that part of allegation where firing took place. The petitioner has one antecedent, as per disclosure made in paragraph 3 of the petition and he is on bail in the said case. In the instant case, he is in custody



since 24.12.2021. His implication and arrest is based on suspicion and there is no recovery of any material from his possession. Co-accused Abhishek Kumar @ Sanjert @ Ganjeri has been granted bail by this Court by order dated 09.06.2022 passed in Cr Misc No 43846 of 2021. Co-accused Kallu Paswan @ Vishal Kumar, against whom there is specific allegation of firing, has also been granted bail by this Court by order dated 14.12.2022 passed in Cr Misc No 9316 of 2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, nature of accusation, claim based on parity as also his custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara in Ara Town PS Case No 221 of 2021, GR No 1467 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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