

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49871 of 2022

Arising Out of PS. Case No.-138 Year-2020 Thana- PURNEA SADAR District- Purnia

Ashish Kumar @ Bholu Singh, aged about 24 years, Male, Son of Ranjit Kumar Singh Resident of Professor Colony, Rambag, Purnea, Police Station- Purnea Sadar, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-01-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sadar P.S. Case No. 138/2020 registered for the offence punishable under Sections 302, 120(b), 34 of the Indian Penal Code (for brevity 'IPC') and 27 of the Arms Act.

The informant's son was a tenant in the house of one Abodh Paswan who has given intimation to the informant that his son has been shot dead. On reaching the place of occurrence, he has come to know that one co-accused Rahul Kumar was apprehended with arms. It is Rahul Kumar, who has disclosed the petitioner's name along with one Deepak as being partners in crime.

Learned counsel for the petitioner submits that Rahul Kumar, from whom the arms has allegedly been recovered has been granted bail in Cr. Misc. No. 37629/2020. The other co-accused, Deepak, who has been implicated similarly as the petitioner, has also been allowed bail in Cr. Misc No. 3949/2022. It is submitted that petitioner's implication is only by virtue of his criminal antecedents



and there is no cogent material against the petitioner. Petitioner is in custody since 26.02.2022.

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

Considering the rival submissions, grant of bail to other co-accused persons and petitioner's period of 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 of the petitioner is allowed.

Let the petitioner, above named, be released 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 learned Chief Judicial Magistrate, Purnea, in connection with Sadar P.S. Case No. 138/2020, 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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