

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58759 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- PALIGANJ District- Patna

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Bela Kumar @ Abhishek Kumar S/O Akhilesh Kumar @ Akhilesh Yadav @ Akhileshwar Kumar Resident of village- Lalganj Sehra, P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 307, 427, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the petitioner is holding pistol in his hand along with other accused persons and started abusing and jostling in front of the house of the informant. It is further alleged that Nishant Kumar open fire from his pistol due to which Soni Devi sustained injury on her abdomen.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is direct



allegation of assault against the co-accused persons, namely, Nishant Kumar and Shri Kant Kumar @ Mohan Yadav. He further submits that there is no allegation of assault against the petitioner. He further submits that the allegation as per the F.I.R. is that, the petitioner has fired in the air. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Shri Kant Kumar @ Mohan Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 16.12.2022. passed in Cr. Misc. No. 51149 of 2022. The petitioner is in custody since 04.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 3 criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Paliganj P.S. Case No. 115 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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